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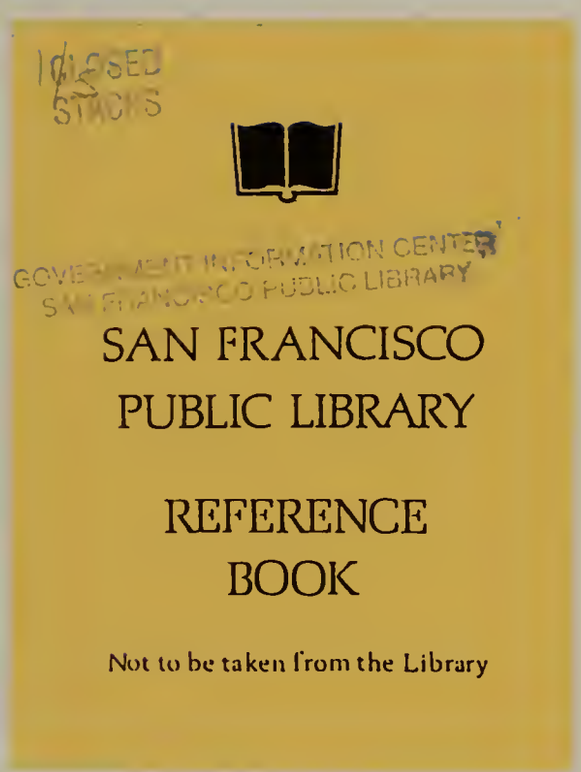
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Minutes

JULY 8, 1992 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Wednesday, July 8, 1992 at 5:15 p.m. in Closed Session.

Attorney-Client Conference

Bringardner vs. CCSF, et al

JULY 8, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 8, 1992 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Campana, Low, Nelson
ABSENT: Commissioners Detrick, Hewlett

APPROVAL OF MINUTES OF MEETING OF APRIL 15, 1992

Approval of Minutes of Meeting of April 15, 1992, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Commissioner Low stated that matter concerning General Order J-5 calendared in error and Chief Murphy asked that it be calendared on July 22. Commissioner Low also stated that the other item was also calendared in error and the only item that was approved was the request to accept discount airline tickets.

RESOLUTION NO. 109-92

APPROVAL TO ACCEPT A GIFT OF TWO (2) $25.00 DISCOUNT COUPONS ON UNITED AIRLINES BY MR. RAMIREZ FOR MS. STACEY SCALES, IDENTIFICATION UNIT

RESOLVED, that Police Commission hereby approves the request of Captain Fernando Gamez, Support Services, to accept two (2) $25.00 discount coupons on United Airlines donated by Mr. Ramirez for Ms. Stacey Scales, Identification Unit.

AYES: Commissioners Campana, Low, Nelson
ABSENT: Commissioners Detrick, Hewlett

POLICE COMMISSION REPORT

Nothing to report.

RESOLUTION NO. 111-92

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER KIM LEE LEWIS, RICHMOND STATION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges against Officer Kim Lee Lewis,

Richmond Station, was called it having been set for this date; and

WHEREAS, Commissioner Cloey Hewlett is assigned to conduct taking of evidence in the disciplinary charges filed against Officer Lewis; and

WHEREAS, Commissioner Hewlett set a date for a pre-hearing conference in the charges filed against Officer Lewis on Wednesday, July 22, 1992; therefore be it

RESOLVED, that Commissioner Hewlett is hereby assigned to conduct the taking of evidence in the disciplinary charges filed against Police Officer Kim Lee Lewis and that a pre-hearing conference is set on Wednesday, July 22, 1992, at 4:30 p.m. in Room 505-2, Hall of Justice; and be it further

RESOLVED, that the date for taking of evidence in the disciplinary charges filed against Police Officer Kim Lee Lewis is to be set at a later date.

AYES: Commissioners Campana, Low, Nelson
ABSENT: Commissioners Detrick, Hewlett

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy stated that the department and other city departments have been awarded $500,000 grant from the Officer of Criminal Justice Planning for "Operation Revitalization" for the Tenderloin area in conjunction with other city agencies.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Nothing to report.

REQUEST OF CHIEF OF POLICE FOR APPROVAL OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND S.F. POLICE OFFICERS ASSOCIATION

This matter was put over to July 22. Commissioner Low announced that Mr. David Harnett has been appointed as scriber for Commissioner Detrick and will assist Commissioner Detrick in arranging recommendations for employee groups and will prepare draft of same.

RESOLUTION NO. 112-92

APPROVAL OF SALE AND TRANSFER OF PATROL SPECIAL BEATS #38 AND #60B AND MAKING COMMISSION RESOLUTION 434-71 PERMANENT

WHEREAS, Patrol Special Officer Paul J. Kain, Jr. requested permission to sell and transfer Patrol Special Beats #38 and #60B to Patrol Special Officer Theodore Torres, #2642; and

WHEREAS, Patrol Special Officers Paul J. Kain, Jr. and Theodore Torres have entered into an agreement for the sale and transfer of Beats #38 and #60B; and

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WHEREAS, all requirements of Rule 1.53 of the current Rules and Procedures of Patrol Special Officers have been met; and

WHEREAS, on November 3, 1971, the owner of Patrol Special Beat 60B requested the following streets to be annexed to his beat:

West side of Grant Avenue from California Street to Jackson Street;
East side of Stockton Street from California Street to Washington Street;
Both sides of Sacramento Street from Stockton Street to Grant Avenue;
Both sides of Clay Street from Stockton Street to Grant Avenue;
Both sides of Washington Street from Stockton Street to Grant Avenue;
All alleys and side streets within the confines of Beat No. 60B, Central Police District, are to be included; and

WHEREAS, Resolution No. 434-71 annexed the above named streets to be included Patrol Special Beat 60B; now, therefore be it

RESOLVED, that ownership of Patrol Special Beats #38 and 60B is transferred from Paul J. Kain, Jr. to Theodore Torres and that the annexation to Beat 60B, per Commission Resolution 434-71, become a permanent part of Beat #60B.

AYES: Commissioners Campana, Low, Nelson
ABSENT: Commissioners Detrick, Hewlett

PUBLIC COMMENTS

John Crew, ACLU, addressed Commission regarding openness issue to be prepared by City Attorney for review by the Commission. He also talked of the "Revitalization Grant" for the Tenderloin and asked for public discussion regarding implementation of the program in the Tenderloin.

The meeting, thereafter, was adjourned at 6:20 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6714M

Minutes

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JULY 15, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in St. Mary's Cathedral, Hall 'D", at 1111 Gough Street at 6:00 p.m. in a Regular Meeting.

Commissioner Hewlett greeted audience and introduced the Commission, department administration and others including representative from the District Attorney's Office.

AYES: Commissioners Campana, Hewlett, Nelson
ABSENT: Commissioners Detrick, Low

APPROVAL OF MINUTES OF MEETING OF APRIL 22, 1992

Approval of Minutes of Meeting of April 22, 1992, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 114-92

TAXICAB OWNERS PERMIT APPLICATION OF ALONZO CRAWFORD

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16 of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Alonzo Crawford, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Alonzo Crawford.

AYES: Commissioners Campana, Hewlett, Nelson
ABSENT: Commissioners Detrick, Low

RESOLUTION NO. 115-92

TAXICAB OWNERS PERMIT APPLICATION OF LEWIS JACKSON

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16 of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through

October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Lewis Jackson, based on his application and the San francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Lewis Jackson.

AYES: Commissioners Campana, Hewlett, Nelson
ABSENT: Commissioners Detrick, Low

POLICE COMMISSION REPORT

Commissioner Campana asked that the events of April 30, May 1 and May 8th be calendared for public discussion on August 19th.

RESOLUTION NO. 113-92

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE APPEAL OF CHIEF'S SUSPENSION IMPOSED ON OFFICER MICHAEL EVANSON, NORTHERN STATION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the appeal of the Chief's suspension imposed on Officer Michael Evanson, Northern Station, was called it having been set for this date; and

WHEREAS, Commissioner David Detrick is hereby assigned to conduct taking of evidence in the appeal of the Chief's suspension imposed on Officer Evanson; and

WHEREAS, it was requested by the Police Commission that the date to conduct the taking of evidence in the appeal of the Chief's suspension imposed on Officer Evanson be set at a later date; therefore be it

RESOLVED, that the date for taking of evidence by Commissioner Detrick in the appeal of the Chief's suspension imposed on Officer Evanson is to be set at a later date.

AYES: Commissioners Campana, Hewlett, Nelson
ABSENT: Commissioners Detrick, Low

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy deferred report to Captain Hettrick.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Ms. Alfreda Porter, OCC stated that the intake unit is now open and the case load per investigator is the lowest in years. She explained the function of the OCC and the complaining process to the audience.

DISCUSSION AND APPROVAL FOR AUTHORITY TO SEEK FUNDING TO LEASE PURCHASE A CAD AND 800 mhz COMMUNICATION SYSTEMS

Over to July 22nd.

CAPTAIN TIMOTHY HETTRICH, COMMANDING OFFICER, NORTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE NORTHERN DISTRICT

Captain Timothy Hettrick addressed audience regarding crime and police activities in the district. He also talked of drug problems, prostitution and street fairs and the recent closings of crack hourses in the district.

PUBLIC COMMENTS

Keith McHenry, Food not Bombs, stated that the lower arrest figure is because there have been no "food not bomb arrests".

Steve Olive, resident, complained of service of police when called regarding drugs.

David Ish, Editor/New Fillmore News, thanked Captain Hettrick for handling Crime Watch section of newspaper section. Asked for cooperation from Richmond for supplying police reports.

Lefty Gordon, Director Ella Hutch Center, talked about the midnight basketball league and 1st success. He made presentation to Commander Brush and Captain Hettrick from Ella Hutch Center.

Donna, property owner, complained about drunkness, panhandling and homeless and also thanked Captain and officers of Northern Station.

Ralph Lewis, Fillmore resident, supported "crime watch column in New Fillmore" and complained of tour buses in the area of Pacific and Broadway.

Lorrie Soule, resident, complained of the autos parking on sidewalks.

Michael Page, Board of Directors/Marina Improvement Assn., talked of possible transfer of Captain Hettrick. Supports and commends him.

Jeff Wells, Marina Property Owners Assn., commended Hettrick and officers of Northern Station.

Marilyn Fisher, resident/Webster Street, supports "crime watch" section in New Fillmore paper. Thanked Captain Hettrick for efforts.

Joan Giraudo, Marina Homeowners Improvement Assn., commended Hettrick and complained of lack of enforcement of tour buses and trucks on Marina Blvd.

Elizabeth Olcman, St. Francis Square Assn., discussed crime problems in the area and asked for CPOP officers to patrol the area.

Robert McKenzie, SAFE coordinator-Pacific Heights, asked that Captain Hettrick not be transferred.

Mildred Borrell, Fillmore Merchants Assn., supported Capt. Hettrick and officers.

Nancy Zimmerman, SAFE, commended Captain Hettrick and officers of Northern Station.

Gloria Fontenella, commended Capt. Hettrick and officers of the station.

Liz Ward, resident/Laguna and Haight Streets, commended Capt. Hettrick and officers of Northern Station.

Jeanette Jones, restaurant owner, commended Capt. Hettrick and officers of Northern Station for their efforts.

Jackie Sax, resident, supported Capt. Hettrick. Asked that the Commission support return of Crime Watch section in the Examiner.

Emery Coleman, Marina Yacht Harbor, thanked Capt. Hettrick and officers of Northern.

Commissioner Hewlett then commended all of the officers of Northern Station for their work.

The meeting, thereafter, was adjourned at 7:45 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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W/6744M

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Minutes

JULY 22, 1992 SPECIAL MEETING

A hearing on motion with Commissioner Harry Low in the Disciplinary Charges filed against Police Officer James Lassus, Central Station was held in Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 22, 1992 at 4:30 p.m.

JULY 22, 1992 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, July 22, 1992 at 5:15 p.m. in Closed Session.

Attorney-Client Conference

a. J. Lebeaux, et al vs. CCSF
b. Rosario Haro vs. CCSF
c. CCSF vs. Walker, et al

JULY 22, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 22, 1992 at 5:30 p.m. in a Regular Meeting.

At this time, Commissioner Low introduced the new commissioner, Commissioner Anthony Rodriguez. Commissioner Low then thanked Ed Campana for his services as a Commissioner and asked that a letter of thank you be sent to him thanking him for his services.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

APPROVAL OF MINUTES OF MEETING OF APRIL 29, 1992

Approval of Minutes of of Meeting of April 29, 1992, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 117-92

J. LeBAUX, et al vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of J. LeBeaux, et al vs. City and County of San Francisco in Municipal Court No. 030-701 in the amount of $13,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 23, 1989

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

RESOLUTION NO. 118-92

ROSARIO HARO vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rosario Haro vs. City and County of San Francisco in Superior Court No. 920-721 in the amount of $6,444.85 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 25, 1989

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

RESOLUTION NO. 119-92

CCSF vs. WALKER, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City and County of San Francisco vs. Walker, et al in Superior Court No. 941-919 in the amount of $5,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 1991 through April 1992

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

POLICE COMMISSION REPORT

Commissioner Low announced that there will be no meeting August 12 or September 9th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Tom Murphy announced that due to budget concerns, the department will defund one captain's position (night captain), and five lieutenant's positions (Records, Juvenile, Crime Scene, Night Investigations and Staff Inspection).

Commander Arnold then discussed the CPOP program in the Sunnydale area supervised by Sgt. Jim Leech.

Commissioner Hewlett questioned the Chief regarding planning for state budget cuts/reduction of funding.

Commissioner Low stated that the Commission is continuing their discussions with various employee groups regarding future promotions.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Alfreda Porter stated that she has met with Chief Murphy regarding mutual concerns including training and the meeting went well.

DISCUSSION AND APPROVAL FOR AUTHORITY TO SEEK FUNDING TO LEASE PURCHASE A CAD AND 800 MHZ COMMUNICATION SYSTEMS

Matter was taken off calendar.

REQUEST OF CHIEF OF POLICE FOR APPROVAL OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND S.F. POLICE OFFICERS ASSOCIATION

Over to August 5th.

PUBLIC DISCUSSION REGARDING REVISED GENERAL ORDER J-5, "OBSTRUCTION OF STREETS AND SIDEWALKS POLICY"

Lt. Donohoe, Legal, discussed background of General Order J-5.

Jerry Coleman, District Attorney's Office, discussed concerns regarding prosecution of cases.

Alfreda Porter discussed of OCC concerns

John Crew, ACLU, adressed Commission regarding concerns.

After discussion, matter was put over to August 5th.

PUBLIC COMMENTS

Andrew Loli commended department for handling demonstrations of April 30th. Congratulated department and suggested the new Chief to come from within the department.

Richard Robertson talked of making complaint of kidnap and beating on May 8th. He also discussed another kidnapping resulting in a homicide. He has made complaint to OCC.

HEARING OF OFFICER BRIAN DANKER, POTRERO STATION

The hearing of Police Officer Brian Danker, Potrero Station, was called it having been set for this date. Officer Danker was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by the Office of Citizen Complaints truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Richard Hongisto, former Chief of Police of San Francisco Police Department.

Officer Brian Danker appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Casimir Wilson entered a plea of nolo contendere on Specifications No. 1 and No. 2 on behalf of Officer Danker.

The Police Commission unanimously approved and accepted the plea of Officer Danker.

Based on these findings, the Commission requested a recommendation from Acting Chief of Police Thomas F. Murphy. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Ninety (90) days suspension

SPECIFICATION NO. 2

Fifteen (15) days suspension

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 116-92

DECISION - HEARING OF OFFICER BRIAN P. DANKER, POTRERO STATION

WHEREAS, on April 14, 1992, Richard Hongisto, former Chief of Police of the San Francisco Police Department made and served charges against Officer Brian Danker, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Brian P. Danker, Star No. 582, (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department, assigned to Potrero Station;

(2) As a Police Officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about October 30, 1990, at approximately 2115 hours, while on patrol on Newhall Street at or near the intersection with LaSalle Street, in the City and County of San Francisco, the accused and his partner, Officer Riskin, #1915, observed a hand to hand sale of a controlled substance between two individuals;

(4) Upon their arrival, one vehicle left the scene and the accused detained three subjects in their vehicle and requested additional back-up;

(5) While awaiting additional back-up units, a female ran up to the passenger's side of the detained vehicle and was handed a brown paper bag by the right front seated passenger;

(6) The female (hereinafter "the victim") was told to get away from the car by the accused;

(7) The victim ignored the order to stay away, took the paper bag from the passenger and proceeded to run down LaSalle Street pursued by the accused;

(8) While pursuing the victim, the paper bag ripped open and numerous clear plastic baggies fell into the street and approximately fifteen (15) baggies of suspected crack cocaine were later recovered;

(9) The accused pursued the victim for approximately one-half a city block with his flashlight in his hand before the accused caught the victim and used force by striking the victim with his flashlight on or about the head to over come her resistance to his attempts to place her under arrest;

(10) During the struggle between the accused and the victim, the victim received cuts and lacerations on the front and back of her head which the victim states were inflicted when the accused struck her with his flashlight;

(11) As a result of the injuries inflicted by the accused, the victim was taken to San Francisco General Hospital and treated for her head injuries;

(12) The accused, by striking the victim about the head with his flashlight in attempting to control and/or place her under arrest, used unnecessary and excessive force which was neither necessary or appropriate and which constitues a violation of Rule XI(A) of General Order F-4 of the San Francisco Police Department;

(13) The accused, by his conduct in violating Rule XI(A) of General Order F-4, has violated Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(14) The allegations contained in Paragraphs (1) through (10) of Specification No. 1 are incorporated by reference as if fully set forth herein;

(15) On or about March 1, 1991, the accused when questioned by the Office of Citizen Complaints' investigator, stated that when in pursuit of the victim, and while she attempted to evade arrest, that he pushed

her from behind in an attempt to trip her and that the victim hit her head on the bumper of a parked car when she fell to the street;

(16) Other witnesses were interviewed as well as the victim and the Office of Citizen Complaints determined that the accused used his flashlight to strike the accused about the head when attempting to control the victim and place her under arrest;

(17) The accused, by denying that he had struck the victim about the head with his flashlight in order to control and arrest her thereby causing injuries requiring medical treatment, has engaged in conduct which constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, which states

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion."

and

WHEREAS, a hearing on said charges was held before the Police commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, July 22, 1992, and on July 22, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and No. 2 as preferred by the Chief of Police against Police Officer Brian Danker are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Ninety (90) days suspension

SPECIFICATION NO. 2

Fifteen (15) days suspension to be served concurrently with ninety (90) days suspension

and be it further

RESOLVED, that the total suspension of ninety (90) days shall commence on Saturday, August 1, 1992 at 0001 and end Thursday, October 29, 1992 at 2400 hours.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

Thereafter, the meeting was adjourned at 8:15 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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Minutes

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JULY 30, 1992 SPECIAL MEETING

Police Commissioner David Detrick conducted a Special Meeting on Thursday, July 30, 1992 at 9:30 a.m. in Room 551, Hall of Justice.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST OFFICERS EDDIE COLEY, MISSION STATION AND ARLANA SPIKENER, INGLESIDE STATION

The hearing for taking of evidence in the disciplinary charges filed against Police Officers Eddie Coley and Arlana Spikener was called at 9:15 a.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Steve Whitmore, Attorney at Law, appeared on behalf of Officer Eddie Coley.

Mr. John Prentice, Attorney at Law, appeared on behalf of Officer Arlana Spikener.

A Closed Hearing was requested by the defense and was granted by Commissioner David Detrick.

Opening statements were made by Mr. Jerry Akins and Mr. John Prentice.

The following witnesses were called by the Prosecution, were sworn and testified:

Stephanie Vago
Captain Harlan Wilson, Administration
Sergeant David Pollitt, Potrero Station
Sergeant Tom Srock, Ingleside Station
Officer John Syme, Potrero Station

The following witnesses were called by the Defense, were sworn and testified:

Officer Arlana Spikener, Ingleside Station
Officer Eddie Coley, Mission Station

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Diagram of Potrero Station

Exhibit #2 Compensation Request/Equal Pay (Form SFPD - 319 (8-71), Green)

The following exhibits were entered into evidence by the Defense:

Exhibit A Copy of General Order F-1 (8/24/84)

Exhibit B Copy of General Order D-2 (7/5/83)

The hearing was then adjourned at 12:50 p.m.

Recess taken during the hearing of Officers Coley and Spikener:

10:45 a.m. to 10:55 a.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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JULY 31, 1992 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, on Friday, July 31, 1992 at 11:00 a.m. in a Special Meeting.

HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER JAMES P. LASSUS, CENTRAL STATION

The hearing of Police Officer James P. Lassus, Central Station, was called it having been set for this date. Police Officer James P. Lassus was charged with violating the Rules and Procedures, as follows:

AMENDED SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

AMENDED SPECIFICATION NO. 2

Failure to answer truthfully and without evasion when questioned concerning performance of Police duties (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Thomas F. Murphy, Acting Chief of Police of the San Francisco Police Department.

Police Officer James Lassus appeared in person and was represented by Ms. Sylvia Courtney and Mr. Tito Torres, Attorneys at Law.

Mr. Jerry Roth, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Opening statements were made by both Mr. Jerry Roth and Mr. Tito Torres.

A hearing was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Friday, July 24, 1992, Saturday, July 25, 1992, Wednesday, July 29, 1992 and Friday, July 31, 1992.

On Friday, July 24, 1992 a Motion to Exclude Witnesses was made by Mr. Jerry Roth and it was granted by the Police Commission.

The following witnesses were called by the Prosecution, were sworn and testified:

Sergeant Ray Kilroy, Management Control Division
Officer John Brandt, Central Station
Ms. Anna Li, 956 Grant St. San Francisco
Mr. Peter Chi
Officer Patrick Yick, Central Station
Officer Jeff Barry, Central Station
Inspector Ray Carlson, Crime Scene Unit
Sergeant Joseph Allegro, Park Station
Dr. Boyd Stephens, Medical Examiner
Ms. Myung Lee

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Video Tape, Case #900862855, dated 10/30/90

| | | |
|---|---|---|
| | 1-2 | Copy of Incident Report (first writing) |
| | 1-3 | Copy of Incident Report (final report) |
| Exhibit #2 | | Photo of Lassus, Tennant, Whitmore, Kilroy |
| Exhibit #3 | | Photo of Lassus, Whitmore, Tennant |
| Exhibit #4 | | Baton of Officer Lassus |
| Exhibit #9 | | Photo of Ginsing Store |
| Exhibit #10 | | Diagram of Kearny and Washington |
| | 10-1 | Markings by Officer Brandt (overlay) |
| | 10-3 | Overlay of Anna Li |
| | 10-4 | Overlay of Peter Chi |
| Exhibit #15-3 | | Notification to Lassus from Management Control Division, dated 10/30/90 |
| Exhibit #21 | | Copy of Officers' Rights |
| Exhibit #25 | | Memo by Lassus re Shooting of 7/4/90 |
| Exhibit #30 | | Large Photo of Kearny and Washington |

The following exhibits were entered into evidence by the Defense:

| | | |
|---|---|---|
| Exhibit A | | Two (2) Photos of Kearny and Washington |
| Exhibit B | | Large Colored Photo of Kearny and Washington |
| | B-1 | Black & White Photo of Kearny and Washington |
| | B-2 | Black and White Photo of Kearny and Washington |
| Exhibit C | | Diagram (Large) |
| | C-1 | Diagram (Small) |
| Exhibit D | | Cassette Tape - "Baton Did Not Reach Suspect" |
| Exhibit E | | Cassette Tape - "He was at Corner" |
| Exhibit F | | Cassette Tape - "Too Dark" |
| Exhibit G-1) G-2) G-3) G-4) G-5) | | Colored Photos of Portsmouths Square |
| Exhibit H-1 | | Colored Photo of Kearny and Washington |
| | H-2 | Colored Photo of Kearny and Washington |

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 125-92

DECISION - HEARING OF POLICE OFFICER JAMES P. LASSUS, CENTRAL STATION

WHEREAS, on June 5, 1992, Thomas F. Murphy, Acting Chief of Police of San Francisco, made and served charges against Police Officer James P. Lassus, as follows:

AMENDED SPECIFICATION NO. 1

(1) At all times herein mentioned, James P. Lassus, Star Number 2114 (hereinafter referred to as "the accused"), is a police officer employed by the San Francisco Police Department and was assigned to Central Station and is currently on leave of absence without pay, assigned to Personnel Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On July 4, 1990, at or about 2150 hours, the accused was on duty in the vicinity of Portsmouth Square, in the City of San Francisco, State of California;

(4) At the aforementioned date and time, the accused, while on patrol and returning to Central Station, on-viewed a physical altercation between three individuals, two males and a female. Upon the accused stopping his patrol car, one of the male subjects ran into Portsmouth Square pursued by the accused;

(5) While entering Portsmouth Square, the accused intentionally threw his baton at the male subject;

(6) While inside Portsmouth Square, the accused drew his service revolver and fired one shot striking the male subject in the abdomen, causing serious bodily injury;

(7) When the accused subsequently described the incident to his superior officers, he claimed as the justification for discharging his revolver that the male subject had picked up the baton of the accused and held it in a threatening manner toward the accused;

(8) This claim was false and no other justification for the accused's discharge of the revolver was asserted or established;

(9) By discharging his service weapon resulting in a serious abdominal injury to the male subject, without proper justification, the accused has violated Section III, Rule (A), (1), (2) and (3) of General Order F-1 of the San Francisco Police Department, which states:

"III. DISCHARGE OF FIREARMS

A. An officer shall not discharge a firearm in the performance of his duties except under the following circumstances and after all other reasonable methods and procedures of apprehension and control have failed...

1. In the necessary defense of himself when he has reasonable cause to believe that he is in imminent danger of death or serious bodily injury.

2. In the necessary defense of another person when he has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.

3. To effect an arrest when the officer has reasonable cause to believe that the suspect has committed or attempted to commit a felony involving the use or threatened use of deadly force; or when the officer has reasonable cause to believe that a substantial risk exists that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed; and only after all other reasonable means of apprehension and control have been exhausted.

4. ..."

(10) By discharging his service weapon without justification (a violation of General Order F-1, Rule III(A)(1)(2) and (3)), thereby causing seious bodily injury to the male subject, the accused has engaged in conduct which subverts the good order, efficiency and discipline of the department and reflects discredit upon the department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

AMENDED SPECIFICATION NO. 2

(11) The allegations contained in paragraphs (1) through (10) are hereby alleged and reincorporated;

(12) On October 30, 1990, the accused was questioned by Management Control Division investigators about the July 4, 1990 shooting, after being advised of and afforded his civil and employee rights as provided at that time by law and contractual agreement;

(13) During the interview, the accused stated, among other things, that:

(a) his baton had accidentally slipped from his hands as he was running into Portsmouth Square; and

(b) the suspect had picked up the baton and held it in a manner threatening towards the accused, causing the accused to draw his service revolver and fire one shot at the suspect.

(14) As the accused then and there knew, each of these statements was false in that:

(a) the accused had intentionally thrown the baton at the suspect as the accused was running into Portsmouth Square; and

(b) the suspect had not picked up the baton before the accused fired a shot at him.

(15) By making each of these false statements, the accused violated rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by the superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions, the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held on Friday, July 31, 1992 and after the department rested its case, a motion to dismiss the charges against Police Officer James P. Lassus was made by the Defense and said motion was granted by the Police Commission; therefore be it

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1 and Specification No. 2 of General Order D-1, be, and the same are hereby dismissed.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

The meeting was then adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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AUGUST 5, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, August 5, 1992 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

APPROVAL OF MINUTES OF MEETING OF MAY 20, 1992

Approval of Minutes of Meeting of May 20, 1992, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

REQUEST OF THE CHIEF OF POLICE FOR ADOPTION OF REVISED GENERAL ORDER R-6, "MANDATORY BLOOD TESTS FOR DRIVERS UNDER THE INFLUENCE"

Discussion of General Order R-6 is calendared for August 19, 1992.

POLICE COMMISSION REPORT

No report.

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER BERNARD SULLIVAN, HEADQUARTERS COMPANY

Put over for disposition on September 6, 1992.

RESOLUTION NO. 120-92

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER PAUL S. GRANCHUKOFF, NORTHERN STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Paul S. Granchukoff, Northern Station, was called it having been set for this date; and

WHEREAS, Commissioner Anthony P. Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Granchukoff; therefore be it

RESOLVED, that Commissioner Rodriguez in hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Granchukoff and is to be set at a later date.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Tom Murphy discussed 372 PC and ruling by judge that arrests are unconstitutional.

Mr. Jerry Coleman addressed the Commission that the District Attorney's Office will appeal and he advised the department not to make any arrests for violation of 372 PC.

Lt. Gary Pisciotto discussed increase in prostiution arrests since no enforcement of 372 PC.

PUBLIC COMMENTS

Lynn White, resident, discussed prostitution in Tenderloin area.

Brian Bringardner discussed 372 PC and response of police in area and he stated that other problems are more important than prostitution.

Terry Lea, resident of Tenderloin, discussed prostitution in Tenderloin.

Elsa Davidson talked of problems at Geary and Leavenworth Streets.

John Crew, ACLU, addressed Commission regarding concerns.

PRESENTATION BY SENIOR ACTION NETWORK TO THE SAN FRANCISCO POLICE DEPARTMENT

Mr. John Kimbrough, Vice President-SAN, made presentation of six bicycles for Ingleside Station.

Captain John Gleeson accepted on behalf of the department and presented certificate to the Senior Action Network and to Commissioner Detrick for supporting CPOP.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Ms. Alfreda Porter disccused traffic code section 76 and 372 PC and General Order J-5.

RESOLUTION NO. 121-92

REQUEST FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $277,240 TO COVER RENT ON THE HIBERNIA BANK BUILDING, LOCATED AT 1 JONES STREET, FOR FISCAL YEAR 1991-1992

WHEREAS, the City and County entered into a lease agreement with an option to purchase the Hibernia Bank Building located at 1 Jones Street; and

WHEREAS, the City and County has decided to not exercise its option; and

WHEREAS, rent in the amount of $277,240 is due and payable; and

WHEREAS, no funds were budgeted in 1991-92 or 1992-93 to cover the rent on the building; therefore be it

RESOLVED, that the Police Commission approves a supplemental appropriation in the amount of $277,240 to cover rent due and payable on the Hibernia Bank Building, for Fiscal Year 1991-92.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

REQUEST OF CHIEF OF POLICE FOR APPROVAL OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND SF POLICE OFFICERS ASSOCIATION

Put over to August 19, 1992.

DISCUSSION AND ADOPTION OF THE REVISED GENERAL ORDER J-5, "OBSTRUCTION OF STREETS AND SIDEWALKS POLICY".

Lt. Thomas Donohoe briefed the Commission on changes regarding General Order J-5.

Commissioner Hewlett suggested amending. John Crew expressed concerns regarding no warning.

After discussion, motion was made by Commissioner Hewlett, seconded by Commissioner Nelson and unanimously approved.

RESOLUTION NO. 122-92

REVISED GENERAL ORDER J-5, "OBSTRUCTION OF STREETS AND SIDEWALKS POLICY"

RESOLVED, that the Police Commission hereby approves the revised General Order J-5, "Obstruction of Streets and Sidewalks Policy".

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

PROGRESS REPORT ON THE PROPOSAL ON DISCIPLINARY JURISDICTION AND PENALTY SCHEDULE

Lt. Ed Pecinovsky, Management Control, discussed proposal on disciplinary schedule and stated that he has met with the POA and discussed concerns.

Discussion followed regarding that the matter is subject to meet and confer.

Motion was then made by Commissioner Hewlett to ask City Attorney whether the Commission has authority to negotiate proposal on disciplinary jurisdiction and penalty schedule and if the Commission chooses not to enter into negotiations, is this matter subject to negotiation. Motion was seconded by Commissioner Detrick and was approved. Matter to be recalendared in September after research by City Attorney.

RESOLUTION NO. 124-92

WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER MARTIN HALLORAN, INGLESIDE STATION AND POLICE OFFICER ANDREA JOSEPH, MISSION STATION

WHEREAS, Acting Chief of Police Thomas Murphy requestes that the charges against Police Officer Martin Halloran, Ingleside Station and Police Officer Andrea Joseph, Mission Station be withdrawn and that it will be handles administratively; therefore be it

RESOLVED, that charges filed against Police Officers Martin Halloran and Andrea Joseph be withdrawn and taken off calendar.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

HEARING OF SERGEANT JOSEPH WEATHERMAN, SUPPORT SERVICES

The hearing of Police Sergeant Joseph Weatherman, Support Services, was called it having been set for this date. Sergeant Weatherman was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department)'

SPECIFICATION NO. 2

Failure to report the use of force (violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer questions asked, by the Office of Citizen Complaints, truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a propery verified complaint by Willis A. Casey, former Chief of Police of San Francisco Police Department.

Sergeant Joseph Weatherman appeared in person and was represented by Mr. Steve Whitmore, Attorney at Law.

Ms. Eleazar Aramburo, Attorney at Law, appeared on behalf of Office of Citizen Complaints and the San Francisco Police Department, recommended that Specification Nos. 2 and 3 be withdrawn.

Mr. Steve Whitmore entered a plea of no contest on Specification Nos. 1 and 4 on behalf of Sergeant Weatherman.

The Police Commission unanimously approved and accepted the plea of Sergeant Weatherman.

Based on these findings, the Commission requested a recommendation from Acting Chief of Police Thomas F. Murphy. The following recommendation was made by the Chief of Police:

SPECIFICATION NOS. 1 and 4

Sixty (60) days suspension

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 123-92

DECISION - HEARING OF SERGEANT JOSEPH L. WEATHERMAN, SUPPORT SERVICES

WHEREAS, on February 20, 1992, Willis A. Casey, former Chief of Police of the San Francisco Police Department, made and served charges against Sergeant Joseph Weatherman, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Joseph L. Weatherman, Star No. 974 (hereinafter referred to as "the accused") was and is a Police Officer, holding the rank of Sergeant of Police, employed by the San Francisco Police Department, and at the time of the incident(s) alleged herein was assigned to the Mission Station of the San Francisco Police Department;

(2) As a Police Officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On March 17, 1991, the accused was assigned to work as the station keeper and as such was responsible for booking prisoners at Mission Station;

(4) On March 17, 1991, at approximately 2245 hours, the accused assisted Officer Martin Halloran, Star No. 772, in conducting a booking search of Aaron Brooks, a citizen who had been arrested on two outstanding warrants;

(5) The accused subsequently assisted Officer Halloran in escorting Aaron Brooks into a cell at Mission Station;

(6) While in the cell, the accused struck Aaron Brooks in the face without justification or legal authority;

(7) The accused, by striking Aaron Brooks, without just cause, on the face, used unnecessary force, which constitutes a violation of Section XI(A) of General Order F-4 of the San Francisco Police Department which states:

"Unnecessary force occurs when physical abuse of a person being arrested or detained is exacted or when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

(8) The accused by striking Aaron Brooks, without just cause, on the fact, used unnecessary force, which constitutes a violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

SPECIFICATION NO. 2

(9) On March 17, 1991, the accused struck Aaron Brooks causing injury to Mr. Brooks in the course of the accused's assignment as alleged in Specification No. 1, hereinabove;

(10) The accused did not report that he had struck Aaron Brooks in the face causing injury;

(11) The accused, by failing to report that he had used force in connection with his duties on March 17, 1991, as alleged hereinabove, has engaged in conduct which constitutes a violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department, which states:

"XII. REPORTING THE USE OF FORCE

A. Officers must report the use of the following types of force;

1. Physical strength when injury to the suspects results.

2. Liquid chemical agent (Mace).

3. The Department issued baton when the suspect is struck.

4. When the officer finds it necessary to strike a suspect with a fist, flashlight or any other item.

5. Carotid Restraint.

B. In all cases in which any of the above types of force are used, an incident report will be prepared. The officer using the force will include the following elements in the text of the report:

1. The type of force used (e.g. mace, struck with fist).

2. A brief statement of the reason for the use of force (e.g. subject resisted arrest)."

SPECIFICATION NO. 3

(12) The allegations contained in Specification Nos. 1 and 2, paragraphs (1) through (11) are realleged and incorporated herein by reference as though fully set forth herein;

(13) On March 17, 1991, at approximately 2245 hours, the accused struck Aaron Brooks in the face causing injury to Mr. Brooks' face;

(14) During the investigation conducted by the Office of Citizen Complaints, the accused interviewed on May 31, 1991, and he denied that he struck Aaron Brooks;

(15) The strikes by the accused to Aaron Brooks were without provocation and unnecessary;

(16) The accused by misrepresenting how Aaron Brooks sustained his injuries, neglected his duty as a Police Officer to answer all questions truthfully and without evasion, which constitutes a violation of Section I(B), of the San Francisco Police Department General Order L-1 which states:

"It is the policy of the Department that both sworn and non-sworn members cooperate fully with the Office of Citizen Complaints (OCC) staff members in their investigation of citizen complaints. Furthermore, members shall provide full assistance in the expeditious and impartial processing of citizen complaints consistent with this order."

(17) The accused by misrepresenting how Aaron Brooks sustained his injuries, neglected his duty as a Police Officer to answer all questions truthfully and without evasion, which constitutes a violation of Section A-21 of the San Francisco Police Department General Order D-1 which states:

"Members shall when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions, the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

SPECIFICATION NO. 4

(18) At all times herein mentioned, Joseph Weatherman, Star No. 974, (hereinafter referred to as "the accused") was and is a Police Sergeant, employed by the San Francisco Police Department, and at the time of the incident(s) alleged herein was assigned to the Mission Station of the San Francisco Police Department;

(19) As a Police Sergeant, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(20) On May 5, 1991, the accused was assigned to work as the station keeper and as such was responsible for booking prisoners at Mission Station;

(21) On May 5, 1991, at approximately 0315 hours, the accused assisted in conducting a booking search of citizen Steven Reus;

(22) During the booking search, the accused slapped and struck Steven Reus on the head with his open palm and closed fist;

(23) The strikes to Steven Reus' head were without justification or legal authority;

(24) The accused, by striking Steven Reus, without just cause, used unnecessary force which constitutes a violation of Section XI(A) of General Order F-4 of the San Francisco Police Department which states:

"Unnecessary force occurs when physical abuse of a person being arrested or detained is exacted or when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

(25) The accused, by striking Steven Reus, without just cause, used unnecessary force which constitutes a violation of Section A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflect discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down and these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 5, 1992, and on August 5, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification Nos. 1 and 4 as preferred by the Chief of Police against Police Sergeant Joseph L. Weatherman are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1 and 4

Sixty (60) days suspension

SPECIFICATION NOS. 2 and 3

Withdrawn by the Prosecution

and be it further

RESOLVED, that the total suspension of sixty (60) calendar days shall commence on Saturday, September 12, 1992 at 0001 hours and end Tuesday, November 10, 1992 at 2400 hours.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

PUBLIC COMMENTS

Paul Boden, Alex Vitale/Coalition on Homeless, and John O'Brien discussed General Order J-5.

Unidentified resident of 333 Randolph complained of gangs in the area.

The meeting, therafter, was adjourned at 9:30 p.m.

Lieutanant Manuel Barretta
Secretary
THE POLICE COMMISSION

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AUGUST 19, 1992 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, August 19, 1992 at 5:15 p.m. in Closed Session.

Attorney-Client Conference

Hank Schoepp vs. CCSf
Minerva Martin, et al vs. CCSF, et al

AUGUST 19, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, August 19, 1992 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

APPROVAL OF MINUTES OF MEETING OF MAY 27, 1992

Approval of Minutes of Meeting of May 27, 1992, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 131-92

APPROVAL TO ACCEPT A GIFT FROM MR. CONRAD VAN-DLANKENBURG FOR OFFICER BILLY RAY SMITH

RESOLVED, that the Police Commission hereby approves the acceptance of a gift of horseshoe from Mr. conrad Van Dlankenburg to Officer Billy Ray Smith of Potrero Station

AYES: Commissioners Detrick, Low, Nelson, Rodgriguez
ABSENT: Commissioner Hewlett

RESOLUTION NO. 132-92

TAXICAB PERMIT APPLICATION OF MR. CHARLES PEARCE

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16 of the Municipal Police code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Charles Pearce, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Charles Pearce.

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

RESOLUTION NO. 133-92

TAXICAB PERMIT APPLICATION OF MUNZER DAJANI

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16 of the Municipal Police code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Munzer Dajani, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Munzer Dajani.

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

RESOLUTION NO. 134-92

TAXICAB PERMIT APPLICATION OF KWING GEE (HONG)

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16 of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Kwing Gee (Hong), based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Kwing Gee (Hong).

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 135-92

HANK SCHOEPP vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hank Schoepp vs. City and County of San Francisco in USDC No. c89-1933, in the amount of $40,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 5, 1988

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

RESOLUTION NO. 136-92

MINERVA MARTIN, et al vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Minerva Martin, et al vs. City and County of San Francisco, et al in Superior Court No. 887-405, in the amount of $10,500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 27, 1987

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

POLICE COMMISSION REPORT

a. MOTION ON CALENDARING OF NEW MATTERS

None. Commissioner Low then asked that General Order J-5 be recalendared for discussion next week, August 26th.

RESOLUTION NO. 126-92

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE INSPECTOR GERALD R. GOLZ, SPECIAL INVESTIGATIONS - VICE

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Inspector Gerald Golz, Special Investigations - Vice Division, was called it having been set for this date; and

WHEREAS, it is the decision of the Commission that the hearing be held before a full Commission; be it therefore

RESOLVED, that a pre-hearing conference on the disciplinary charges filed against Police Inspector Gerald Golz will be held on Wednesday, September 16, 1992, at 4:30 p.m. in Room 505-2, Hall of Justice.

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

RESOLUTION NO. 127-92

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER TOM YUEN, SPECIAL INVESTIGATIONS - VICE DIVISION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Police Officer Tom Yuen, Special Investigations - Vice Division, was called it having been set for this date; and

WHEREAS, it is the decision of the Commission that the hearing be held before a full Commission; be it therefore

RESOLVED, that a pre-hearing conference on the disciplinary charges filed against Police Officer Tom Yuen will be held on Wednesday, September 16, 1992, at 4:30 p.m in Room 505-2, Hall of Justice.

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

RESOLUTION NO. 128-92

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE INSPECTOR GARY DELAGNES, NARCOTICS DIVISION

WHEREAS, the assignment of a Commissioner and setting of date to conduct taking of evidence in the disciplinary charges filed against Inspector Gary Delagnes, Narcotics Division, was called for this date; and

WHEREAS, it is the decision of the Commission that the hearing be held before a full Commission; be it therefore

RESOLVED, that a pre-hearing conference on the disciplinary charges filed against Police Inspector Gary Delagnes will be held on Wednesday, September 16, 1992, at 4:30 p.m. in Room 505-2, Hall of Justice.

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy on vacation and Deputy Chief Reed stated that there is nothing to report.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Alfreda Porter stated that there is nothing to report.

RESOLUTION NO. 129-92

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order 0-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, August 14, 1992; and

WHEREAS, Acting Chief of Police Thomas F. Murphy has recommended to the Police Commission that said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Sergeant Kevin Cashman is hereby awarded the Gold Medal of Valor and granted reward of $500.00, as provided for under said section of the Charter; and be it further

RESOLVED, that Officer Joseph Kirley is hereby awarded the Silver Medal of Valor and granted reward of $300.00, as provided for under said Section of the Charter; and be it further

RESOLVED, that Officer Robert Bohanan, Officer Patrick Cadigan, Officer Barbara Cassanego, Officer Ngan Dang, Officer Jean Etcheveste, Officer Raymond Gee, Officer James Guelff, Officer Kim Hennessy, Officer Francis Hogue, Officer Debra King, Officer Anthony LaRocca, Officer Lawrence Mack, Officer Ignacio Martinez, Officer Bud Massey, Officer Eugene Mohrman, Officer Judith Riggle, Officer Michael Rivera, Officer John Sanford, Officer Harold Vance and Officer Charles Wilkerson, be, and they are hereby awarded Bronze Medals of Valor and granted rewards of $150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Inspector Bob Davis, Officer Brian Danker, Officer John H. Monroe, Officer Maria Oropeza and Officer Kervin L. Silas, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of $150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

STATUS REPORT ON PROPOSITION J, "JANITORIAL CONTRACT"

Captain Tom Suttmeier briefed the Commission on status of bidding janitorial services. He asked the Commission to authorize the City Purchaser to re-bid the service resulting in a cost savings to the department. Motion was then made by Commissioner Detrick and seconded by Commissioner Nelson and was unanimously approved.

Frank Martin del Campo, Local 790, discussed union position and concerns regarding civilian contract.

RESOLUTION NO. 130-92

PROPOSITION J CONTRACT FOR JANITORIAL SERVICES AT POLICE DEPARTMENT FACILITIES

RESOLVED, that the request of Captain Thomas W. Suttmeier, Planning Division, for approval to re-bid Proposition J Contract for Janitorial Services at Police Department Facilities, reflect new language urging bidders to pay prevailing wage and provide medical benefits is hereby approved.

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

REQUEST OF CHIEF OF POLICE FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND SF POLICE OFFICERS ASSOCIATION

Commissioner Nelson abstained from discussion and vote due to conflict of interest. Motion from Comm. Detrick, seconded by Comm. Rodriguez, approved.

RESOLUTION NO. 137-92

APPROVAL OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND SF POLICE OFFICERS ASSOCIATION

RESOLVED, that Police Commission hereby approves the Memorandum of Understanding (MOU) between the City and County of San Francisco and S.F. Police Officer Association.

AYES: Commissioners Detrick, Low, Rodriguez
ABSTAIN: Commissioner Nelson (due to Conflict of Interest)
ABSENT: Commissioner Hewlett

PUBLIC DISCUSSION ON PROPOSITION G, "RETIREMENT PLAN TRANSFERS"

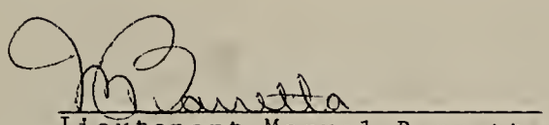
Commissioner Low states that the Commission is not permitted to take a position but can, as individuals.

Al Trigueiro, President of POA, thanked the Commission for approval of MOU and asked Commission, as individuals, to support Proposition G.

PUBLIC COMMENTS

None

The meeting, thereafter, was adjourned at 6:30 p.m.



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6770M

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AUGUST 26, 1992 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, August 26, 1992 at 5:15 p.m. in Closed Session.

Attorney-Client Conference

Cordon vs. CCSF
Albert Rubino vs. CCSF
Patrick Michael Barnette vs. CCSF, et al

AUGUST 26, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, August 26, 1992 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

APPROVAL OF MINUTES OF MEETING OF JUNE 3, 1992

Approval of Minutes of Meeting of June 3, 1992, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 138-92

APPROVAL TO ACCEPT $1,000.00 CASHIER'S CHECK FROM CITICORP AND A PRE-PAID ACCOMMODATION OF $500.00 FROM VISA INTL TO ALLOW INSP. J. FORRESTER, FRAUD DETAIL, TO ATTEND THE INVESTIGATORS TRAINING CONFERENCE IN NEW YORK

WHEREAS, the San Francisco Police Department is in need of specialized training in fast changing areas of Fraud, (e.g., computerized crime; counterfeit travelers checks and bank cards); and

WHEREAS, a world-wide seminar of specialists is convening in New York for a training seminar; and

WHEREAS, Citicorp and Visa International recognize the value of San Francisco Police Department's participation and representation at such training that they donate funds, (one thousand dollars), and prepaid reservation and accommodations; and

WHEREAS, Section 10.116 of the San Francisco Administrative Code allows for the acceptance of gifts by the Department head of gifts to City and County of a value of Five Thousand ($5,000) Dollars or less; now, therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco grants to the Chief of Police the authority to accept and disburse the two (2) cash gifts for the purpose of insuring training and attendance at the International Association of Credit Card Investigators seminar in New York, 1992.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

Recommendation of the City Attorney for settlement of the claims against City and County of San Francisco:

RESOLUTION NO. 139-92

PATRICK MICHAEL BARNETT vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick Michael Barnett vs. City and County of San Francisco, et al in USDC No. C91-1894 WHO in the amount of $15,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 6, 1989

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

RESOLUTION NO. 140-92

ALBERT RUBINO vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Albert Rubino vs. City and County of San Francisco, in Municipal Court No. 069-293 in the amount of $7,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 9, 1991

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

POLICE COMMISSION REPORT

None

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Reed briefed the Commission on gay related robberies in the Castro District.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Alfreda Porter, OCC Director, advised the Commission thatthe caseload for OCC investigator continues to decrease and the new intake unit is working well. About 10% of the existing caseload is the result of the recent demonstrations of May.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL TO ACCEPT A GRANT OF $500,000.00 FROM OCJP TO CONDUCT "OPERATION REVITALIZATION PROGRAM" IN THE TENDERLOIN AREA

Commissioner Hewlett abstained from discussion on this matter as she is a member of OCJP.

Lt. Ryan explained the grant to the Commission and the expected operation of it. Motion was then made by Commissioner Nelson and seconded by Commissioner Detrick. The matter was then unanimously approved.

RESOLUTION NO. 141-92

APPROVAL TO ACCEPT A GRANT OF $500,00.00 FROM THE OFFICE OF CRIMINAL JUSTICE PLANNING TO CONDUCT "OPERATION REVITALIZATION PROGRAM" IN THE TENDERLOIN AREA

WHEREAS, the Chief of Police has requested approval to accept a grant from the Office of Criminal Justice Planning in the amount of $500,000.00 for the Tenderloin Area; and

WHEREAS, the Office of Criminal Justice Planning offered a single grant of $500,000.00 for the entire state, to qualifying agencies to conduct an "Operation Revitalization" of a target area; and

WHEREAS, the San Francisco Police Department have been awarded the grant; therefore be it

RESOLVED, that the Police Commission hereby approves the request to accept a grant from the Office of Criminal Justice Planning in the amount of $500,000.00 to conduct "Operation Revitalization Program" in the Tenderloin Area.

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSTAIN: Commissioner Hewlett

RESOLUTION NO. 142-92

STATUS REPORT ON DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER VINCENT VAGO, PARK STATION

WHEREAS, the status report on the disciplinary charges filed against Police Officer Vincent Vago, Park Station, was called it having been set for this date; and

WHEREAS, Mr. John Prentice, Attorney at Law representing Police Officer Vincent Vago, requested a continuance in this matter; therefore be it

RESOLVED, that the date for the hearing on the disciplinary charges filed against Police Officer Vincent Vago, Park Station, is continued to Wednesday, September 16, 1992 at 6:00 p.m., in Glide Memorial Church.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

FURTHER DISCUSSION REGARDING THE ADOPTION OF THE REVISED GENERAL ORDER J-5, "OBSTRUCTION OF STREETS AND SIDEWALKS POLICY"

Motion was made by Commissioner Hewlett and seconded by Commissioner Rodriguez to reconsider General Order J-5. Motion was then approved and was opened for further discussion.

PUBLIC COMMENTS

Paul Boden, Homeless Coalition, talked of the problem of homeless begging.

Alex Vitali, Hospitality House, talked of problems with citations.

John Crew, ACLU, discussed his concerns.

Brian Boyd, HOmeless Task Force, talked of his concerns.

Adrian Connor, Homeless Task Force, read statement.

After discussion, motion by Commissioner Hewlett and seconded by Commissioner Nelson to amend General Order J-5, Section C and add "street sweeps" after "mass arrests or". The motion was then approved.

RESOLUTION NO. 143-92

REVISED GENERAL ORDER J-5, "OBSTRUCTION OF STREETS AND SIDEWALKS POLICY"

RESOLVED, that the Police Commission hereby approves the amended General Order J-5, "Obstruction of Streets and Sidewalks Policy", to read as follows:

"OBSTRUCTION OF STREETS AND SIDEWALKS"

I. POLICY

A.

B.

C. Both 647c PC and 22 MPC have been narrowly defined and must be narrowly enforced. Neither shall be used for mass arrests or "street sweeps" except provided in paragraph B above.

AYES: Commissioners Detrick Hewlett, Low, Nelson, Rodriguez

PUBLIC COMMENTS

Con Johnson, President/OFJ, discussed of treatment of Afro Americans in the department and requested the Commission to look into the concerns of a letter he presented to the Commission.

Commissioner Hewlett was assigned by Commissioner Low to look into the OFJ concerns and career development.

Edward Evans inquired about when the district meeting in the Tenderloin will be held and was advised that the meeting will be held on September 16th.

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6773M

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SEPTEMBER 2, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, September 2, 1992 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Low, Nelson, Rodriguez
ABSENT: Commissioner Detrick, Hewlett

APPROVAL OF MINUTES OF MEETING OF JUNE 10, 1992

Approval of Minutes of Meeting of June 10, 1992, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF TAXICAB OWNERS PERMIT OF MR. JAMES TUGGLE

Put over two weeks at request of Chief Murphy.

RESOLUTION NO. 145-92

TAXICAB PERMIT APPLICATION OF RAYMOND LARKIN

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefor; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Raymond Larkin, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Raymond Larking.

AYES: Commissioners Low, Nelson, Rodgriguez
ABSENT: Commissioners Detrick, Hewlett

POLICE COMMISSION REPORT

Commissioner Nelson will visit district stations and review facilities for women officers and will report back.

a. MOTION ON CALENDARING OF NEW MATTERS

None.

CHIEF'S REPORT TO THE POLICE COMMISSION

Captain Suttmeier, Planning, updated the Commission on status of women's facilities at the district stations. Discussion followed regarding state budget and effect on the department.

Commissioner Low asked that the district attorney be invited to attend the next district meeting in the Tenderloin district. Commissioner Low announced that the district meeting will be held at the Glide Memorial Church Hall.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Eleazar Aramburo, OCC Staff Attorney, said there is nothing to report.

RESOLUTION NO. 144-92

APPOINTMENT OF A HEARING OFFICER FOR PUBLIC CONVENIENCE AND NECESSITY HEARINGS FOR TAXICABS

WHEREAS, the appointment of a Hearing Officer for Public Convenience and Necessity Hearings was called, it being requested by the Chief of Police; and

WHEREAS, Captain Michael Hebel was appointed by the Chief of Police as Hearing Officer; therefore be it

RESOLVED, the Police Commission unanimously approves the appointment of Captain Michael Hebel as Hearing Officer for Public Convenience and Necessity Hearings.

AYES: Commissioners Low, Nelson, Rodgriguez
ABSENT: Commissioners Detrick, Hewlett

PUBLIC COMMENTS

Dr. Frank Klaus, resident of Potrero Hill, commended Co. C (Potrero Station) for their attention to the problems in the district. Captain Suttmeier to attend Potrero Hill meeting.

Thereafter, the meeting was adjourned at 6:15 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6785M

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SEPTEMBER 16, 1992 CLOSED SESSION

The Police Commission of the City and County of San Francisco met at Glide Memorial Church, 330 Ellis Street at 5:30 p.m. in Closed Session.

Attorney-Client Conference

Juan Gamez vs. CCSF
Sean Ormbsy vs. CCSF

SEPTEMBER 16, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met at Glide Memorial Church, 330 Ellis Street at 6:00 p.m. in a Regular Meeting.

AYES: Commissioners Hewlett, Low, Nelson
ABSENT: Commissioners Detrick, Rodriguez

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 149-92

TAXICAB PERMIT APPLICATION OF JAMES TUGGLE

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that James Tuggle, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to James Tuggle.

AYES: Commissioners Hewlett, Low, Nelson
ABSENT: Commissioners Detrick, Rodgriguez

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 150-92

JUAN GAMEZ vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Juan

Gamez vs. City and County of San Francisco" in USDC No. C90-3159 VRW in the amount of $47,500.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: July 23, 1989

AYES: Commissioners Hewlett, Low, Nelson
ABSENT: Commissioners Detrick, Rodriguez

RESOLUTION NO. 151-92

SEAN ORMBSY vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Sean Ormsby vs. CCSF" in USDC No. C91-3915 SBA in the amount of $12,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: February 24, 1991

AYES: Commissioners Hewlett, Low, Nelson
ABSENT: Commissioners Detrick, Rodriguez

POLICE COMMISSION REPORT

Commissioner Hewlett discussed her meeting with the OFJ & Chief. She stated that progress was made and meetings will be ongoing. She asked the concerns of the OFJ be calendared for September 30, 1992. Commissioner Nelson reported on women's facilities.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy defered report to district captain later on agenda.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Alfreda Porter, OCC Director, described functions of OCC and stated that there are approximately 300 cases pending.

RESOLUTION NO. 146-92

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER DANIEL J. MAY, TRAFFIC E&I

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Daniel J. May, Traffic E&I, was called it having been set for this date; and

WHEREAS, that Commissioner Anthony P. Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer May; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer May and is to be set at a later date.

AYES: Commissioners Hewlett, Low, Nelson
ABSENT: Commissioners Detrick, Rodriguez

RESOLUTION NO. 147-92

ASSIGNMENT OF A COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER PAUL S. GRANCHUKOFF, NORTHERN STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Paul S. Granchukoff, Northern Station, was called it having been set for this date; and

WHEREAS, that Commissioner Anthony P. Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Granchukoff; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Granchukoff and is to be set at a later date.

AYES: Commissioners Hewlett, Low, Nelson
ABSENT: Commissioners Detrick, Rodriguez

RESOLUTION NO. 148-92

ASSIGNMENT OF A COMMISSIONER TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER CLIFTON A. MATTHEWS, JR., RECORDS SECTION

WHEREAS, the assignment of a Commissioner to conduct taking of evidence in the disciplinary charges filed against Officer Clifton A. Matthews, Jr., Records Section, was called it having been set for this date; and

WHEREAS, that Commissioner Dorian Peters Nelson is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Matthews; therefore be it

RESOLVED, that Commissioner Nelson is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Matthews and is to be set at a later date.

AYES: Commissioners Hewlett, Low, Nelson
ABSENT: Commissioners Detrick, Rodriguez

HEARING ON THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER VINCENT VAGO, PARK STATION

Put over to September 23, 1992.

CAPTAIN GEORGE KOWALSKI, COMMANDING OFFICER, TENDERLOIN TASK FORCE, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TENDERLOIN DISTRICT

Captain Kowalski addressed the Commission and audience on problems and police efforts in the Tenderloin. Rev. Cecil Williams addressed the audience and welcomed Commission. He discussed problems in the area.

PUBLIC COMMENTS

John O'Brien talked of recent arrest and asked for investigation.

Thelma Cavanaugh, Tenderloin Action Project, thanked the Tenderloin Task Force and read a statement re crime problems at her residence building.

Frank Winston, Mid Market/U.N. Plaza Assn., praised Captain Kowalski and talked of the recent Tenderloin grant.

Edward Evans, Tenderloin residen, read statement.

Patricia Lydon complains regarding actions of police.

Owner of 631 O'Farrell discussed concerns regarding crime in that area.

Willard Winters, Parolee, talked of crime and concerns in the Tenderloin.

Richard Robertson, resident, talked of drug dealings in the area of Leavenworth and O'Farrell Streets.

Ray Crystal prased police on the street.

William Straud tahnked Commission for having meeting in the district.

Lloyd Jones, ex-convict, ex-dope user, stated that young people need drug education regarding drug use and effects.

Richard Allman asked for more crossing guards.

Joseph Candaneau, No. Market Planning Coalition, talked of legalizing drugs.

The meeting, thereafter, was adjourned at 8:05 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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"Minutes

SEPTEMBER 23, 1992 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, September 23, 1992 at 5:15 p.m. in an Executive Session.

Government Code Section 54957.6(b) Conference with Designated Representatives

SEPTEMBER 23, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, September 23, 1992 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Hewlett, Low, Nelson, Rodriguez
ABSENT: Commissioner Detrick

APPROVAL OF CONSENT CALENDAR

Calendared in error.

POLICE COMMISSION REPORT

a. MOTION ON CALENDARING OF NEW MATTERS

No new matters.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Alfreda Porter stated her office is working on budget cuts ordered by Mayor's Office. Budget cuts salary savings by delaying filling chief investigator's position. She further stated that she will be attending an upcoming IACOLE conference.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy advised the Commission on upcoming transfers of captains which will take effect Satruday, September 26th. He asked that the department goals be calendared for October 28th.

PRESENTATION OF THE NEW DEPARTMENT GOALS FOR FISCAL YEAR 92/93

Calendared for October 28th.

RESOLUTION NO. 155-92

HEARING OF POLICE OFFICER VINCENT J. VAGO, PARK STATION

WHEREAS, on December 3, 1991, Willis A. Casey, Retired Chief of Police, made and served charges against Police Officer Vincent J. Vago, Park Station, as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off-duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Wednesday, September 23, 1992, as the date for the hearing on charges filed against Police Officer Vincent J. Vago; and

WHEREAS, Acting Chief of Police Thomas F. Murphy announced that the Police Department was in receipt of the resignation of Police Officer Vincent J. Vago from the San Francisco Police Department, said resignation effective close of business September 16, 1992, which resignation was accepted with the condition that the services of Police Officer Vincent J. Vago have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Vincent J. Vago, be, and the same are hereby continued off calendar.

AYES: Commissioners Hewlett, Low, Nelson, Rodriguez
ABSENT: Commissioner Detrick

HEARING OF OFFICER BERNARD J. SULLIVAN, HEADQUARTERS COMPANY

The hearing of Police Officer Bernard Sullivan, Headquarters Company, was called it having been set for this date. Officer Sullivan was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violating of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Thomas F. Murphy, Acting Chief of Police of the San Francisco Police Department.

Officer Bernard J. Sullivan appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Stephen Whitmore entered a plea of no contest to Specification No. 1 on behalf of Officer Bernard J. Sullivan.

The Police Commission unanimously approved and accepted the plea of Officer Sullivan.

Based on these findings, the Commission requested a recommendation from Acting Chief Police Thomas Murphy. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Thirty (30) days suspension

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 154-92

DECISION - HEARING OF OFFICER BERNARD J. SULLIVAN, HEADQUARTERS COMPANY

WHEREAS, on July 16, 1992, Thomas F. Murphy, Acting Chief of Police of the San Francisco Police Department, made and served charges against Officer Bernard J. Sullivan, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Bernard J. Sullivan, Star No. 1173 (hereinafter referred to as "the accused") was and is a police officer, employed by the San Francisco Police Department and assigned to Headquarters Company;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On April 17, 1992, at or about 0144 hours, the accused was off duty and driving his pickup truck North on Railroad Avenue near its intersection with Powers Avenue in the City of Pittsburg, County of Contra Costa, State of California (Pittsburg);

(4) On April 17, 1992, at or about 0144, the accused executed a left turn from Railroad Avenue to travel West on Powers Avenue in Pittsburg;

(5) A member of the Pittsburg Police Department (the Officer) in a marked police vehicle stopped at a stopped sign at the intersection of Powers and Railroad Avenues saw the accused execute the turn; the Pittsburg Police Officer saw the accused swing wide, almost driving up onto the sidewalk and saw that the turn was made with a jerking motion which indicated to the Officer that the accused did not have control of his vehicle;

(6) The Officer initiated a traffic stop to ascertain if the accused needed assistance or was impaired; when he approached the accused's pickup truck, the accused rolled down the window and the officer was "overwhelmed by a strong odor of an alcoholic beverage coming from" the accused's vehicle interior;

(7) The Officer witnessed the poor manual dexterity of the accused as he attempted to extract his drivers license from his wallet; the officer requested that the accused perform a series of Field Sobriety Tests; from the accused's poor performance on the Field Sobriety Tests, the officer concluded that the accused was driving his automobile in violation of California Vehicle Code Section 23152(a) [Driving Under the Influence];

(8) The accused was transported to the Pittsburg Police Station, where he elected to perform the Breath test for the presence of alcohol in his blood stream; the intoxilyzer test results were .22 and .21 percent of alcohol in the blood stream which exceeds the limit at which a person is presumed to be under the influence of alcohol and violates California Vehicle Code Section 23152(b);

(9) The accused by driving a vehicle while intoxicated in violation of California Vehicle Code Sections 23152(a) and 23152(b) has engaged in conduct which violates Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 23, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Officer Bernard J. Sullivan are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Thirty (30) days suspension and enroll in the Department approved D-4 Program for 18 months

and be it further

RESOLVED, that the thirty (30) calendar days suspension shall commence on Saturday, October 03, 1992 at 0001 hours and end Sunday, November 1, 1992 at 2400 hours.

AYES: Commissioners Hewlett, Low, Nelson, Rodriguez
ABSENT: Commissioner Detrick

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER JAMES ESCOBAR, MISSION STATION

The hearing of the disciplinary charges filed against Police Officer James Escobar, Mission Station, was called it having been continued from the meeting of May 26, 1992. Police Officer James Escobar was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which brings discredit on the Department or subverts the good order of the Department or subverts the good order of the Department (a violating of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

While in the performance of his duties, failure to treat a member of the public with courtesy and respect by the use of harsh, profane or uncivil language (a violation of Rule A-14 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Willis A. Casey, former Chief of Police of the San Francisco Police Department.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer James Escobar appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Closing statement were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, after which the following resolution was adopted:

RESOLUTION NO. 152-92

DECISION HEARING OF POLICE OFFICER JAMES ESCOBAR, MISSION STATION

WHEREAS, on November 27, 1991, Willis A. Casey, Former Chief of Police, made and served charges against Police Officer James Escobar as follows:

SPECIFICATION NO. 1

Engaging in conduct which brings discredit on the Department or subverts the good order of the Department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, James Escobar, Star No. 272 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department, assigned to Mission Station, Co. D;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On or about January 2, 1991, at approximately 1530 hours, in the immediate vicinity of the Bart Plaza, 24th and Mission Streets, in the City and County of San Francisco, the accused confronted, detained and conducted a "pat" search of a male individual known as Mark Vellez;

(4) Not finding any contraband during the "pat" search, the accused ordered subject Vellez to remove his shoes;

(5) After examining the shoes and not locating any contraband, the accused ordered subject Vellez to pull down his sweat pants and to take off his shirt;

(6) After Mr. Vellez protested the order given by the accused, Mr. Vellez, despite his embarrassment and the large crowd of people who had gathered, again was given an order and did comply by removing his sweat pants;

(7) The accused then ordered subject Vellez to remove his outer shirt. Subject Vellez then was made to stand in front of the crowd wearing only his boxer shorts and a short sleeve T-shirt;

(8) After the accused looked under the T-shirt but before allowing subject Vellez to get dressed and leave the area, the accused told subject Vellez that he was going "to get him" and "I'm not the fool here, you're the fool";

(9) By his orders to subject Vellez, the accused was acting contrary to the rules for San Francisco Police Department personnel as set forth in the San Francisco Police Department Training Bulletin 83-17 regarding the search of individuals and the procedures for conducting strip searches;

(10) By ordering subject Vellez to remove his clothing in a public place, Mr. Vellez was subjected to a strip search as defined under Training Bulletin 83-17, Section IV, A-6, which states:

"IV Types of Searches

A. ...

1. Visual Searches - . . .
2. Cursory Searches - . . .
   a. . . .
   b. . . .
   c. . . .
3. Field Arrest - . . .
4. Transport Searches - . . .

5. Booking Searches - . . .
6. Strip Searches - Provides the officer with procedures for conducting skin and clothing searches utilizing techniques which enhance the safety of the officer and ensure an effective search. The addition of Section 4030 to the Penal Code has provided new regulations regarding strip search procedures.
   a. Definitions:
      1. Strip Search is defined as the removal or rearranging of clothing to expose the body parts. (Emphasis Added).
      2. . . .
      3. . . .

   b. Procedures - Strip searches are generally conducted at County Jail in accordance with current San Francisco Sheriff Department policy, as modified by the addition of Penal Code Section 4030, as it relates to who will be strip searched. Strip searches may be conducted at police district stations, but only in accordance with the regulations as discussed in sections 2., 3., and c., below. No strip searches shall be conducted by members of the opposite sex.
   1. . . .
   2. Strip searches and/or visual body cavity searches are not permitted unless there is "reasonable suspicion based on specific and articulable facts" that the arrestee is concealing a weapon and/or contraband. Written authorization by the supervising officer is required before a strip search and/or visual body cavity search may be conducted.

   3. Before a physical body cavity search may be conducted, a magistrate's search warrant must be obtained."

(11) California Penal Code Section 4030 defines a strip search under subsection (c) as follows:

"Section 4030 - Strip and Body Cavity Searches:

a. . . .
b. . . .
c. As used in this section, "strip search" means a search which requires a person to remove or rearrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person.

d. . . .
e. . . .
f. . . .
g. . . .
h. . . .

i. . . .
j. . . .
k. . . .
l. . . .

m. All strip visual and physical body cavity searches shall be conducted in an area of privacy so that the search cannot be observed by persons not participating in the search. Persons are considered to be participating in the search if their official duties relative to search procedure require them to present at the time the search is conducted.

n. A person who knowingly and willfully authorizes or conducts a strip, visual or physical body cavity search in violation of this section is guilty of a misdemeanor.

o. . . .
p. . . .

(12) By his conduct in subjecting Mr. Vellez to a strip search, contrary to rules as set forth in San Francisco Police Department Training Bulletin 83-17 and California Penal Code Section 4030, the accused has engaged in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the department, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

While in the performance of his duties, failure to treat a member of the public with courtesy and respect by the use of harsh, profane or uncivil language (a violation of Rule A-14 of General Order D-1 of the San Francisco Police Department);

(13) The allegations contained in paragraphs (1) through (5) are hereby incorporated by reference as though fully set forth herein;

(14) During the aforementioned confrontation with Mr. Vellez, the accused used profanity when addressing Mr. Vellez and stated to Mr. Vellez that he was the "fool" and "now who looks like the clown";

(15) The aforementioned conversation and comments made by the accused were heard by Mr. Vellez and persons in the crowd who witnessed the confrontation and subsequently filed complaints regarding the conduct of the accused;

(16) By his conduct in using profanity and making disparaging remarks to Mr. Vellez, the accused has engaged in conduct in violation of Rule A-14 of General Order D-1, which states:

"Members shall, in the performance of their duties or while acting in the capacity of a peace officer off-duty, treat all members of the public with courtesy and respect and eschew harsh, profane, or uncivil language. When requested, members shall promptly and politely provide their name, star number, and assignment."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Tuesday, May 26, 1992, and Wednesday, September 23, 1992, and on September 23, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer James Escobar, Mission Station, as contained in Specification No. 1, violation Rule A-9 of General Order D-1, and Specification No. 2, violation of Rule A-14 of General Order D-1 of the San Francisco Police Department, are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer James Escobar has not violated Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, and Specification No. 2, violation of Rule A-14 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, and Specification No. 2, violation of Rule A-14 of General Order D-1 of the San Francisco Police Department, be, and the same are hereby dismissed.

AYES: Commissioners Hewlett, Low, Nelson, Rodriguez
ABSENT: Commissioner Detrick

Recess taken during the hearing of Officer James Escobar:

6:50 p.m. to 7:05 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR).

HEARING OF OFFICER KIM LEE LEWIS, RICHMOND STATION

The hearing of Police Officer Kim Lee Lewis, Richmond Station, was called it having been set for this date. Officer Lewis was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Refusal of a direct order to submit to a chemical test (violation of Rules VII-B and VIII of General Order D-18 of the San Francisco Police Department);

in a properly verified complaint by Thomas F. Murphy, Acting Chief of Police of the San Francisco Police Department.

Officer Kim Lee Lewis appeared in person and was represented by Mr. Earl Disselhorst, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The Police Commission recommended that Specification No. 3 be withdrawn.

Mr. Earl Disselhorst entered a plea of no contest on Specification Nos. 1 and 2.

Based on these findings, the Commission requested a recommendation from the Chief of Police Thomas F. Murphy. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Thirty (30) days suspension

SPECIFICATION NO. 2

Forty (40) days suspension

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 153-92

DECISION - HEARING OF POLICE OFFICER KIM LEE LEWIS, RICHMOND STATION

WHEREAS, on June 22, 1992, Thomas F. Murphy, Acting Chief of Police of the San Francisco Police Department, made and served charges against Officer Kim Lee Lewis, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Kim Lee Lewis, Star Number 1308, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Richmond District, now suspended pending resolution of the herein charges;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about June 15, 1992 at or about 1720 hours, the accused was off-duty and entered the premises of the Woolworth Company Store Number 2012 located at 275 West McArthur Boulevard, Oakland, California;

(4) On June 15, 1992, the accused opened, used and discarded items from the Woolworth inventory and removed items from the Woolworth inventory without paying or attempting to pay for the items;

(5) On June 15, 1992, after the accused exited the store, security personnel stopped her and took her into custody;

(6) The accused by virtue of the herein alleged behavior, specifically, depriving the Woolworth Store of its personal property without paying for it in violation of California Penal Code Section 484, "Petty Larceny", has engaged in conduct which brings discredit on the department, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(7) Paragraphs (1) through (6) of Specification No. 1 above are incorporated herein by reference and realleged by such reference as though set forth in full;

(8) On June 15, 1992, at or about 1720 hours, at the Woolworth Store, the accused was and with a male companion, who identified himself with a San Francisco Police Department star and the accused's altered, damaged current San Francisco Police Department identification card, the accused's companion attempted to assist the accused by interfering with the arrest of the accused by store security personnel;

(9) The star that her male companion possessed and used was numbered "1308", the star which her companion had in his possession and used it issued to the accused by the San Francisco Police Department;

(10) The accused violated Rules I-A and VII-A of General Order B-3 of the San Francisco Police Department by permitting her companion to possess and use her department issued star and identification card;

(11) On June 15, 1992, at or about 1700 hours, when she was arrested, the accused identified herself with an expired San Francisco Police Department identification card in her possession which, though issued to her had expired;

(12) The accused violated Rule V-C of General Order P-9 by possessing, and passing to her male companion, an altered and damaged current San Francisco Police Department identification card;

(13) The accused by virtue of the herein alleged behavior, specifically, permitting her male companion to possess and use her department issued star and identification card in violating of General Order B-3 and possessing an altered and damaged identification card in violation of General Order P-9, had engaged in conduct which brings discredit on the department, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 3

(12) [illegible]

(13) [illegible]

(14) [illegible]

(15) [illegible]

from the Chief of Police to suspend a sworn officer for more than five days; and

(16) On June 24, 1992, at 2130 hours, the Commission received a letter from the Chief of Police advising the Commission that he had suspended Police Officer Kim Lee Lewis for seventy (70) days and ordered him to participate in a one (1) year monitor program with five (5) random drug tests; and

(17) The aforesaid suspension by the Chief of Police was imposed pursuant to Section 8.343 of the Charter of the City and County of San Francisco on the basis of the following charges, which charges are set forth verbatim, as follows:

"SPECIFICATION NO. 1 - That on or about February 28, 1992, Police Officer Kim Lee Lewis, while on duty, failed to report for duty at the assigned time and place, to wit, Police Officer Lewis failed to report for duty at 0800 hours at Mission Station.

SPECIFICATION NO. 2 - That on or about February 28, 1992, Police Officer Kim Lee Lewis, while on duty, failed to report for duty at the assigned time and place, to wit, Police Officer Lewis failed to report for duty at 1600 hours at Mission Station."

SPECIFICATION NO. 3 - That on or about February 28, 1992, Police Officer Kim Lee Lewis, while on duty, failed to report for duty at the assigned time and place, to wit, Police Officer Lewis failed to report for duty at 2400 hours at Mission Station ... "

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, July 8, 1992, Wednesday, August 26, 1992 and on Wednesday, September 23, 1992 and on September 23, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegation contained in Specifications No. 1 and No. 2 as preferred by the Chief of Police against Police Officer Kim Lee Lewis are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following disciplines be imposed:

SPECIFICATION NO. 1 AND NO. 2

Total seventy (70) days suspension and one (1) year monitor program with five (5) random drug tests

SPECIFICATION NO. 3

Withdrawn by the Prosecution

and be it further

RESOLVED, that the total suspension of seventy (70) calendar days was served from Thursday, June 18, 1992 to Wednesday, August 26, 1992.

AYES: Commissioners Hewlett, Low, Nelson, Rodriguez
ABSENT: Commissioner Detrick

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

PUBLIC COMMENTS

None

The meeting, thereafter, was adjourned at 7:30 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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"Minutes"

SEPTEMBER 30, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, September 30, 1992 at 5:30 p.m.

AYES: Commissioners Hewlett, Low, Nelson
ABSENT: Commissioners Detrick, Rodriguez

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 161-92

APPROVAL TO ACCEPT THE GIFT OF TWO (2) LOANED VEHICLES VALUED AT LESS THAN $5,000 FROM THE FEDERAL BUREAU OF INVESTIGATION

WHEREAS, the San Francisco Police Department is in need of vehicles for various law enforcement functions; and

WHEREAS, the Federal Bureau of Investigation has generously offered the gift of lending two (2) vehicles, intended for use by Headquarters Company within the San Francisco Police Department; and

WHEREAS, Section 10.116 of the San Francisco Administrative Code allows for the acceptance of gifts by the Department head of those gifts to the City and County of a value of Five Thousand ($5,000) Dollars or less; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby grants to the Chief of Police the authority to accept the gift of two (2) loaned vehicles valued at less than $5,000 from the Federal Bureau of Investigation.

AYES: Commissioners Hewlett, Low, Nelson
ABSENT: Commissioners Detrick, Rodriguez

RESOLUTION NO. 162-92

TAXICAB PERMIT APPLICATION OF JOHN E. WEBB

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that John E. Webb, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to John E. Webb.

AYES: Commissioners Hewlett, Low, Nelson
ABSENT: Commissioners Detrick, Rodgriguez

APPROVAL OF MINUTES OF MEETING OF JUNE 17, 1992

Approval of Minutes of Meeting of June 17, 1992, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

a. MOTION ON CALENDARING OF NEW MATTERS

Commissioner Low asked that discussion regarding police facilities be calendared for October 7.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy stated that there is nothing to report this time.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Alfreda Porter stated that there is nothing to report.

REQUEST OF THE CHIEF OF POLICE FOR AUTHORIZATION TO INSTALL A MECHANICAL SEWER LINE CLEARING DEVICE TO ABATE FLOODING AND AVOID HEALTH RISKS ON THE 4th AND 5th FLOORS OF THE HALL OF JUSTICE

Lieutenant Molinari, Planning Division, briefed the Commission on the installation and function of the mechanical sewer line clearing device and after discussion, motion was made by Commissioner Hewlett seconded by Commissioner Nelson. Matter was then approved.

RESOLUTION NO. 156-92

APPROVAL TO INSTALL A MECHANICAL SEWER LINE CLEARING DEVICE TO ABATE FLOODING AND AVOID HEALTH RISKS ON THE 4th AND 5th FLOORS OF THE HALL OF JUSTICE

WHEREAS, the Police Administration and Investigation offices on the 4th and 5th floors of the Hall of Justice have been disrupted by raw sewage overflows into business areas in recent months; and

WHEREAS, the Department requests the installation of an electric grinding device, "Muffin Monster", in the existing 4" sewer line by the Bureau of Building Repair at a cost of $20,726; and

WHEREAS, the Sheriff's Department has indicated that they will evenly split the cost of the device and its installation and the Police Department's share would be $10,363; therefore be it

RESOLVED, the Police Commission hereby approves the authorization to install a mechanical sewer line clearing device to abate flooding and avoid health risks.

AYES: Commissioners Hewlett, Low, Nelson
ABSENT: Commissioners Detrick, Rodriguez

DISCUSSION WITH OFFICERS FOR JUSTICE REGARDING ALLEGATIONS

Commissioner Hewlett discussed recent meetings with Officers for Justice regarding concersn. Thereafter, Commissioner Hewlett addressed the Commission and the audience. The following persons addressed the Commission:

Rotea Gilford, retired SF Police Officer, addressed the Commission regarding promotions of blacks in the department and gave a historical perspective of the department and the Consent Decree. He suggests that the department acknowledge problems; listen to allegations, review these allegations and to consider them.

Lt. Billye Morrow discussed discrimination in the S.F.P.D.

Sgt. Kitt Crenshaw stated problems are not being dealt with and discussed a personal incident that occurred to him in 1987.

Sgt. Michael Slade addressed discriminatory practices against him and discussed an investigation regarding charges and Chief Hearing and decision made by Management Control Division.

Sgt. David Robinson discussed discrimination and the past problem and transfer.

Officer John Sanford, Vice President/OFJ, addressed the Commission regarding problems of officers and his past personal experience regarding assignments. He also discussed assignment to the Patrol Bureau Task Force and asked the Codmmission to look into allegations.

Rev. James Brown, Pastor/3rd Baptist Church, asked that the Commission take a serious look at the allegations made this evening. He also talked of crime on the street and particularly in the Buchanan/McAllister Streets area.

Officer McCullum addressed the Commission regarding racism allegations and other concerns.

Laura Schulken, attorney for Public Advocates, addressed the Commission regarding the Consent Decree and problems in the department regarding discrimination.

Officer Con Johnson, President/OFJ, talked of past discrimination in the department and asked the Commission to look into the allegations and take action.

Lefty Gordon, Ella Hutch Center, discussed Cultural Awareness Program and suggest racist training program.

At this time Commissioner Low addressed the audience and stated that the Commission is looking into these allegations and will continue to do so.

He also stated that he met with various employee groups and organization and will continue to do so and update the other Commissioners.

Inspector Sanders talked about discrimination in the department, addressed the history of the Consent Decree and suggest an action plan for the Commission to consider.

Commissioner Hewlett then responded to the concerns of all the members and stated that this matter will be recalendared at a later date for further discussion. She also asked the department to address the following; the transfer policy, sensitivity training and minority officers in specialized units.

Chief Murphy responded and suggest that he will meet with the Officers for Justice and the Commission and that sensitivity training will be initiated and will begin shortly. He also discussed the Management Control process; the length of time of investigations.

HEARING OF INSPECTOR GARY P. DELAGNES, NARCOTICS DIVISION

The hearing of Inspector Gary P. Delagnes, Narcotics Division, was called it having been set for this date. Inspector Delagnes was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rules B-2 and A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Thomas F. Murphy, Acting Chief of Police of the San Francisco Police Department.

Inspector Delagnes appeared in person, addressed the Commission and was represented by Ms. Sylvia Courtney, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The Police Department moved that Specification No. 2 be withdrawn and Police Commission ordered it be dismissed.

Ms. Sylvia Courtney entered a plea of no contest to Specification No. 1 on behalf of Inspector Delagnes. Inspector Delagnes personally affirmed entry of a no contest plea in this matter.

The Police Commission unanimously approved and accepted the plea of Inspector Delagnes.

Based on these findings, the Commission requested a recommendation from Acting Chief of Police Thomas F. Murphy. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Forty-five (45) days suspension

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 157-92

DECISION - HEARING OF INSPECTOR GARY P. DELAGNES, NARCOTICS DIVISION

WHEREAS, on August 11, 1992, Thomas F. Murphy, Acting Chief of Police of the San Francisco Police Department, made and served charges against Inspector Gary P. Delagnes, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Gary P. Delagnes, Star No. 160, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department holding the rank of Inspector assigned to the Vice Crimes Section of the Investigations Bureau, now assigned to the Narcotics Section of the Investigations Bureau;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) While on duty on May 7, 1992, at or about 1930 hours, the accused received a telephone call from an officer in the Operations Center stating that then Chief of Police Richard Hongisto ("Richard Hongisto") wanted the accused to telephone Richard Hongisto on his cellular telephone;

(4) On May 7, 1992, within minutes of receiving the message form the Operations Center, the accused called the number provided and engaged in a conversation with Richard Hongisto;

(5) The accused informed Richard Hongisto that he, the accused, was working from 1900 hours through 0300 hours that night;

(6) Richard Hongisto stated to the accused, that he had received a copy of a biweekly newspaper called the "Bay Times" which had a cover photograph of in which he found disgusting and repulsive; Richard Hongisto described the cover as having a photograph of Richard Hongisto's head imposed on the body of some one in a police type uniform and it appeared the person was simulating masturbation;

(7) During the course of this telephone conversation, Richard Hongisto told the accused, that he, Richard Hongisto, would "like to see as many of these out as I can" or as "many of these off the street as I can";

(8) Richard Hongisto ended the conversation by stating that he would leave a copy of the offending paper for the accused "on the windshield" of his department automobile parked outside a restaurant on the Embarcadero;

(9) The accused, with his two partners, went to the restaurant where Richard Hongisto's car was parked and picked up the copy of the paper from the windshield; the accused and his partners then commenced Vice Crime suppression duties in the field;

(10) On May 7, 1992, at or about 2315 hours, the accused and his two partners were using a department automobile assigned to them for police purposes, they stopped at a bar located at Post and Larkin Streets, in the course of a discussion with the bar owner, the accused discussed the Bay Times newspaper; the accused asked the owner for a few copies of the paper; the owner gave the accused the entire bundle (six to eight inches high) of Bay Times newspapers that had been delivered to his bar for distribution to the public;

(11) The accused and his partners collected no more papers during the time that the three of them worked together that night; at or about 0200 hours on May 8, 1992, the three of them returned to the Vice Crimes office in the Hall of Justice; the accused's partners completed paper work generated from the nights vice suppression activities;

(12) On May 8, 1992, at or about 0200 hours, after returning to the Vice Crimes Office, the accused explained to Inspector Gerald R. Golz and Officer Tom Yuen that Richard Hongisto had called him and explained that he, Richard Hongisto, found that the Bay Times newspaper was offensive to him and had requested that Inspector Delagnes pick up copies of the paper; the three of them discussed the possible legal and political ramifications of taking newspapers from the racks; Inspector Delagnes requested that Inspector Golz and Officer Yuen accompany him on a mission to pick up copies of the Bay Times Newspaper;

(13) On May 8, 1992, shortly after 0200 hours, the accused, Inspector Golz and Officer Yuen drove to the Castro District in department vehicle #C-10-9 (vehicle #C-109"), used by Inspector Golz for that shift, to remove more copies of the Bay Times Newspaper from the racks;

(14) The accused, Inspector Golz and Officer Yuen removed 300 - 500 copes of the Bay Times Newspaper which had offended Richard Hongisto from the racks; these papers filled the back seat and the trunk of

vehicle #C-109; they then returned to the Hall of Justice where they left department vehicle #C-109 loaded with newspapers; at 0300 hours on May 8, 1992, Inspector Golz went home;

(15) After Inspector Golz went home at 0300 hours on May 8, 1992, the accused met Officer Yuen on Market Street and the two of them drove in Officer Yuen's van to the area of Market Street, Castro Street, 16th Street and 18th Street where they removed approximately 1700 more copies of the Bay Times newspaper from newspaper racks and placed them in Officer Yuen's van; the accused and Officer Yuen completed this pick up of newspapers at approximately 0330 hours on May 8, 1992 and both officers went to their respective homes;

(16) The accused by the herein alleged conduct while on duty, using a department vehicle, having determined beforehand that such conduct would bring discredit on the department violated the 1st Amendment rights of the Bay Times newspaper and the public by removing large numbers of Bay Times newspapers form newspaper racks in an attempt to thwart their circulation to the public, has engaged in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department, a violation of Rules B-2 and A-9 of General Order D-1 of the San Francisco Police Department, which states:

B-2 "Members shall not, while on-duty, engage in personal business or in any other activity that would cause them to be inattentive to duty."

A-9 "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline o the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(17) Each and every allegation contained in paragraphs (1) through (16), inclusive, of Specification No. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(18) The accused was evasive and gave inconsistent statements when he was interviewed by Management Control Division investigators in the course of the within investigation and when he testified before the Police Commission on May 14, 1992, in these interviews the accused: (a) stated

that he saw a child viewing the cover of the Bay Times while on duty with his partners and pointed this out to his partners, his partners denied that they saw any children looking at Bay Times news racks or that the accused pointed such a circumstance out to them; (b) Inspector Golz stated that he felt they had enough newspapers and told the accused not to pick up any more copies, the accused denied that Inspector Golz instructed him not to pick up more copies of the paper the morning of May 8, 1992;

(19) The accused by giving evasive and inconsistent answers to questions posed by the Management Control Investigators and before the Police Commission on May 14, 1992, in the hearing of The Matter of Chief Richard Hongisto, engaged in conduct in violation of Rule A-21 General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions, the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, the hearing on said charges was set before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 30, 1992 and on September 30, 1992, the matter was called for hearing. Inspector Gary P. Delagnes pled no contest to the charge as ammended and the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Inspector Gary P. Delagnes' plea of no contest, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Inspector Gary P. Delagnes are sustained; and the Commission adopts the sustained specification as its findings in this matter, therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Forty-five (45) days suspension

SPECIFICATION NO. 2

Dismissed

and be it further

RESOLVED, that the total suspension of forty-five (45) calendar days shall commence on Saturday, October 10, 1992 at 0001 hours and end Monday, November 23, 1992 at 2400 hours.

AYES: Commissioners Hewlett, Low and Nelson
ABSENT: Commissioners Detrick and Rodriguez

Recess taken during the hearing of Inspector Gary P. Delagnes:

8:15 p.m. to 8:30 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF INSPECTOR GERALD R. GOLZ, SPECIAL INVESTIGATIONS - VICE

The hearing of Inspector Gerald R. Golz, Special Investigations - Vice, was called it having been set for this date. Inspector Golz was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rules B-2 and A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Thomas F. Murphy, Acting Chief of Police of the San Francisco Police Department.

Inspector Gerald Golz appeared in person and was represented by Ms. Sylvia Courtney, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Ms. Sylvia Courtney entered a plea of no contest on Specification No. 1 on behalf of Inspector Golz. Inspector Golz personally affirmed entry of a no contest plea in this matter.

The Police Commission unanimously approved and accepted the plea of Inspector Golz.

Based on these findings, the Commission requested a recommendation from Acting Chief of Police Thomas F. Murphy. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Forty-five (45) days suspension

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 158-92

DECISION - HEARING OF INSPECTOR GERALD R. GOLZ, SPECIAL INVESTIGATION - VICE

WHEREAS, on August 11, 1992, Thomas F. Murphy, Acting Chief of Police of the San Francisco Police Department, made and served charges against Inspector Gerald R. Golz, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Gerald R. Golz, Star Number 1783, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department holding the rank of Inspector assigned to the Vice Crimes Section of the Investigation Bureau;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On May 7, 1992, the accused was on duty assigned to vice suppression duties as the acting supervisor of the Vice Section of the Investigations Bureau from 1900 hours on May 7, 1992 through 0300 hours on May 8, 1992;

(4) On May 8, 1992, at or about 0200 hours, Inspector Gary P. Delagnes and his two assigned partners returned to the Vice Crimes Section Offices on the 5th Floor of the Hall of Justice to complete the paper work connected with their vice suppression activities for the shift;

(5) At or about 0200 hours on May 8, 1992, Inspector Delagnes explained to the accused and Officer Tom Yuen that then Chief of Police Richard Hongisto had called him and explained that Richard Hongisto found that the Bay Times newspaper was offensive to him and had requested that Inspector Delagnes pick up copies of the paper; the three of them discussed the possible legal and political ramifications of taking newspapers from the racks at that time; Inspector Delagnes requested that the accused accompany him on a mission to pick up copies of the Bay Times newspaper;

(6) Shortly after 0200 hours on May 8, 1992, after the above conversation, the three of them left the hall of Justice in department vehicle #C-109 and drove to various locations near 18th and Castro Streets; the accused, with Inspector Delagnes and Officer Yuen, removed 300 - 500 copies of the Bay Times newspaper form the newsstands and placed them in the back seat and the trunk of the vehicle #C-109, the accused then drove the department vehicle back to the hall of Justice and parked the department vehicle loaded with the newspapers in Parking Lot F;

(7) The accused by the herein alleged conduct, while on duty acting as the supervisor of the Vice Crimes Unit using a department vehicle, having determined beforehand that such conduct would bring discredit on the department, violated the 1st Amendment rights of the Bay Times newspaper and the public by removing large numbers of Bay

Times newspapers from newspaper racks in the an attempt to thwart their circulation to the public, had engaged in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department, a violation of Rules A-9 and B-2 of General Order D-1 of the San Francisco Police Department, which states:

B-2 "Members shall not, while on-duty, engage in personal business or in any other activity that would cause them to be inattentive to duty."

A-9 "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any ember either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 30, 1992, and on September 30, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Inspector Gerald R. Golz' plea of no contest, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Inspector Gerald R. Golz are sustained; and the Commission adopts the sustained specification as its findings in this matter, therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Forty-five (45) days suspension

and be it further

RESOLVED, that the total suspension of forty-five (45) calendar days shall commence on Saturday, October 10, 1992 at 0001 hours and end on Monday, November 23, 1992 at 2400 hours.

AYES: Commissioners Hewlett, Low and Nelson
ABSENT: Commissioners Detrick and Rodriguez

Recess taken during the hearing of Inspector R. Golz:

8:15 p.m. to 8:30 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER TOM YUEN, SPECIAL INVESTIGATIONS - VICE DIVISION

The hearing of Police Officer Tom Yuen, Special Investigations - Vice Division, was called it having been set for this day. Officer Yuen was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rules B-2 and A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Thomas F. Murphy, Acting Chief of Police of the San Francisco Police Department.

Officer Tom Yuen appeared in person and was represented by Ms. Sylvia Courtney, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The Police Department moved that Specification No. 2 be withdrawn and the Police Commission ordered it be dismissed.

Ms. Sylvia Courtney entered a plea of no contest on Specification No. 1 on behalf of Officer Yuen. Officer Yuen personally affirmed entry of a no contest plea in this matter.

The Police Commission unanimously approved and accepted the plea of Officer Yuen.

Based on these findings, the Commission requested a recommendation from Acting Chief of Police Thomas F. Murphy. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Thirty (30) days suspension

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 159-92

DECISION - HEARING OF POLICE OFFICER TOM YUEN, SPECIAL INVESTIGATIONS - VICE DIVISION

WHEREAS, on August 11, 1992, Thomas F. Murphy, Acting Chief of Police of the San Francisco Police Department, made and served charges against Officer Tom Yuen, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Tom Yuen, Star Number 380, (hereinafter referred to as "the accused) was a police officer employed by the San Francisco Police Department assigned to the Vice Crimes Section of the Investigations Bureau;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On May 7, 1992, the accused was on-duty assigned to vice suppression duties as member of the Vice Section of the Investigations Bureau, working from 1900 hours on May 7, 1992 through 0300 hours on May 8, 1992;

(4) On May 8, 1992, at or about 0200 hours, Inspector Gary P. Delagnes and his tow assigned partners returned to the Vice Crimes Section Offices on the 5th Floor of the Hall of Justice to complete the paper work connected with their vice suppression activities for the shift;

(5) At or about 0200 hours on May 8, 1992, Inspector Delagnes explained to the accused and Inspector Gerald R. Golz that then Chief of Police Richard Hongisto had called him and explained that he, Richard Hongisto, found the Bay Times newspaper was offensive to him and requested that Inspector Delagnes remove copies of the paper form the newsstands; the three of them discussed the possible legal and political ramifications of taking newspapers from the racks at that time; Inspector Delagnes requested that the accused accompany him on a mission to pick up copies of the Bay Times newspaper;

(6) Shortly after 0200 hours on May 8, 1992, after the above conversation, the accused, with Inspector Delagnes and Inspector Golz, left the Hall of Justice in department vehicle #C-109 and drove to various locations near 18th and Castro Streets; the accused, with Inspector Delagnes and Inspector Golz, removed 300 - 500 copies of the Bay times newspaper from the newsstand and placed them in the back seat and the trunk of vehicle #C-109; at or about 0300 hours, the accused returned to the Hall of Justice and vehicle #C-109, with the newspapers still loaded in it, was parked in Parking Lot F;

(7) After returning to the Hall of Justice at or about 0300 hours on May 8, 1992, the accused met Inspector Delagnes on Market Street and the two of them proceeded in the accused's personal van to remove approximately 1700 copies of the Bay Times

newspaper from Bay Times newsstands in the area of Market Street, Castro Street, 18th Street and 16th Street; the accused and Inspector Delagnes loaded these copies in the accused's personal van;

(8) At or about 0330 hours on May 8, 1992, the accused drove his van home with the newspapers still inside the van;

(9) On may 8, 1992, the evening hours, while on-duty, the accused drove vehicle #C-109 to his home where he removed the 300 - 500 copies of the Bay Times from the back seat and trunk of vehicle #C-109 and placed them in the garage of his home;

(10) On May 11, 1992, the accused unloaded the approximately 1700 copies of the Bay Times from his van and placed them in the garage of his home;

(11) The accused by the herein alleged conduct, while on-duty in the Vice Crimes Unit using a department vehicle and while off-duty, having determined beforehand that such conduct would bring discredit on the department, violated the 1st Amendment rights of the Bay Times newspaper and the public by removing large numbers of Bay Times newspapers from newspaper racks in an attempt to thwart their circulation to the public, has engaged in conduct which brings discredit on the department, a violation of Rules B-2 and A-9 of General Order D-1 of the San Francisco Police Department, which states:

B-2 "Members shall no, while on-duty, engage in personal business or in any other activity that would cause them to be inattentive to duty."

A-9 "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(12) Each and every allegation contained in paragraphs (1) through (11), inclusive, of Specification No. 1 above is incorporated herein by reference and is realleged as though set forth in full;

(13) The accused was evasive in his answers and made inconsistent statements when interviewed by Management Control Division investigators in the course of the within investigation; when Inspector Golz was interviewed, Inspector Golz stated that he

had told Inspector Delagnes and the accused that he felt they had enough newspapers and they should not pick up any more copies, the accused denied any general conversation or specifically that Inspector Golz had instructed him not to pick up more papers that morning;

(14) The accused by giving evasive and inconsistent answers to questions posed by Management Control Division investigators, engaged in conduct in violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, September 30, 1992 and on September 30, 1992, the matter was called for hearing. Officer Tom Yuen pled no contest to the charge as ammended and the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Tom Yuen's plea of no contest, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Officer Tom Yuen are sustained; and the Commission adopts the sustained specification as its findings in this matter, therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Thirty (30) days suspension

SPECIFICATION NO. 2

Dismissed

and be it further

RESOLVED, that the total suspension of thirty (30) calendar days shall commence on Saturday, October 10, 1992 at 0001 hours and end on Sunday, November 8, 1992 at 2400 hours.

AYES: Commissioners Hewlett, Low and Nelson
ABSENT: Commissioners Detrick and Rodriguez

Recess taken during the hearing of Officer Tom Yuen:

8:15 p.m. to 8:30 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER STEVEN R. SHANAHAN, TARAVAL STATION

The hearing of the disciplinary charges filed against Police Officer Steven R. Shanahan, Taraval Station, was called it having been set for this date. Police Officer Steven R. Shanahan was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Use of unnecessary force (violating of Rule XI.A of General Order F-4 which violates Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to treat members of the public with courtesy and respect; using harsh and profane language to a member of the public (violation of Rule A-14 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Willis A. Casey, Retired Chief of Police of the San Francisco Police Department.

Police Officer Steven R. Shanahan appeared in person and was represented by Mr. Ray Roberts, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Closing statements were made by both Prosecuting and Defense Attorneys.

Based on these findings, the Commission requested a recommendation from Acting Chief of Police Thomas F. Murphy. The following recommendation was made by the Chief of Police:

SPECIFICATION NOS. 1 and 2

Twenty (20) days Suspension

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 160-92

DECISION - HEARING OF POLICE OFFICER STEVEN R. SHANAHAN, TARAVAL STATION

WHEREAS, on March 23, 1992, Willis A. Casey, former Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Steven R. Shanahan, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Steven R. Shanahan, Star No. 1818, (hereinafter referred to as "the accused") was a police officer employed by the San Francisco Police Department and assigned to the Central Police District, now assigned to the Tenderloin Task Force;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On January 19, 1990, the accused was on-duty working the 1600 hours to 0200 hours shift and was assigned to patrol duties in a marked police vehicle within the Central District;

(4) On January 19, 1990, at or about 2330 hours, near 225 Powell Street, in the City an County of San Francisco, an employee of a hotel located at that address flagged the accused and his partner, and stated that he had just witnessed the server beating of a man by a group of people; he stated the incident occurred on the sidewalk in front of the hotel at 225 Powell Street;

(5) The accused requested the hotel employee to accompany him in searching for the group of people who had allegedly assaulted the man in front of the hotel; the accused, his partner and the hotel employee, in the police patrol vehicle, proceeded down Powell Street to the intersection with O'Farrell Street, turned right on O'Farrell Street and proceeded west bound on O'Farrell Street on the 200 block, searching for the group described by the employee;

(6) At or near 270 O'Farrell Street, the hotel employee identified a group on the sidewalk consisting of three males and two females as the persons responsible for the assault;

(7) The accused exited the patrol vehicle, approached the group, kicked one of the males, the complainant herein, in the groin area, he handcuffed the complainant and one of his male companions and took them both into custody;

(8) The accused and his partner put the complainant and his companion in the patrol vehicle and returned to the hotel at 225 Powell Street, there the victim of the attack stated that the complainant and his companion were not the persons who assaulted him;

(9) The complainant asked the accused why he had kicked him in the groin area; the accused then said that the complainant must be intoxicated and required the complainant to perform a field sobriety test; the complainant was then released from detention;

(10) The accused, by kicking the complainant in the groin area without reason, used unnecessary force in violation of department procedures as set forth in General Order F-1 of the San Francisco Police Department, particularly, Rule XI-a, which states:

"Unnecessary force occurs when physical abuse of a person being arrested or detained is exacted or when it is apparent that the type or degree of force employed was neither necessary nor appropriate. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful."

(11) The accused, by engaging in physical abuse to confront and detain the complainant on the street, in violation of General Order F-1, has engaged in conduct which tends to subvert the good order, efficiency or discipline of the department and which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO 2

(12) Paragraphs (1) through (10) of Specification No. 1 hereinabove are incorporated in this paragraph by reference and realleged by such reference as though set forth in full;

(13) After the accused kicked the complainant, handcuffed the complainant and placed him in the patrol vehicle, the accused said, "That will teach you to listen when an officer tells you to do something";

(14) After the victim of the assault stated that the accused was not his assailant, the complainant asked the accused why he had kicked him in the groin area, the accused then stated, "Oh this guy's drunk in public. I think we better put him through a sobriety test." The accused then tested the complainant before releasing him;

(15) The accused by requiring the complainant to perform a field sobriety test and using threatening language to address the complainant and justify his rough treatment of the complainant, engaged in conduct in violation of Rule A-14 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, in the performance of their duties or while acting in the capacity of a peace officer off-duty, treat all members of the public with courtesy and respect and eschew harsh, profane, or uncivil

language. When requested, members shall promptly and politely provide their name, star number and assignment."

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Monday, July 13, 1992 and on Wednesday, September 30, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission find that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Officer Steven Shanahan are sustained by a preponderance of the evidence presented and that the allegations in Specification No. 2 are not sustained, therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of the San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Twenty (20) days suspension, fifteen (15) days not imposed, five (5) days to be served (four ten hour days)

and be it further

RESOLVED, that the total suspension of five (5) days shall commence on Thursday, October 1, 1992 at 0001 hours and end Sunday, October 4, 1992 at 2400 hours.

AYES: Commissioners Hewlett, Low and Nelson
ABSENT: Commissioners Detrick and Rodriguez

(The entire proceeding was taken in shorthand form by Ms. Linda Parnsky, CSR).

Thereafter, the meeting was adjourned at 9:10 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
6801M

SF Police Commission

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OCTOBER 7, 1992 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice 850 Bryant Street on Wednesday, October 7, 1992 at 5:15 p.m. in an Executive Session.

Attorney-Client Conference

a. CCSF vs. Albert Vela
b. Sandy D'Agostino vs. CCSF

11 minutes

OCTOBER 7, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice 850 Bryant Street on Wednesday, October 7, 1992 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Detrick, Hewlett, Low, Nelson
ABSENT: Commissioner Rodriguez

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims:

RESOLUTION NO. 165-92

CITY AND COUNTY OF SAN FRANCISCO vs. ALBERT VELA

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "City and County of San Francisco vs. Albert Vela" in Superior Court No. 938-838 in the amount of $8,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: June 1992 - March 1992

AYES: Commissioners Detrick, Hewlett, Low, Nelson
ABSENT: Commissioner Rodriguez

RESOLUTION NO. 166-92

SANDY D'AGOSTINO vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of "Sandy D'Agostino vs. City and County of San Francisco" in Unlitigated Claim #91-05472 in the amount of $6,000.00 for damages sustained, be, and the same is hereby approved.

APPROVAL OF MINUTES OF MEETING OF JUNE 24, 1992

Approval of Minutes of Meeting of June 24, 1992, the Commissioners having received, approved, and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Low announced that there will be no regular meeting on Wednesday, November 11.

a. MOTION ON CALENDARING OF NEW MATTERS

Commissioner Hewlett asked that Cultural Awareness Training for Management Plan be scheduled for discussion on the meeting of October 28th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy advised the Commission that he will be with the Officers for Justice on October 14 regarding their concerns. He also discussed the American Health Care Convention scheduled for next month and schedule a press conference for tomorrow, October 15th, regarding police response.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Ms. Alfreda Porter discussed her third quarter report and update as of September 30, 1992. OCC has received 839 complaints.

DISCUSSION REGARDING POLICE FACILITIES

Commissioner Nelson stated she had visited all the stations regarding the women facilities and finds them to be substandard in both male and female areas. She stated the questionnaires will be sent by the Commission regarding issues of concern including facilities. She stated she attended the meeting earlier in the day with the follow-up in two weeks. After the meetings, she will again update the Commission on the progress of updating the women facilities in various locations.

REQUEST OF THE CHIEF OF POLICE FOR EXTENSION OF JANITORIAL CONTRACT FOR THE TENDERLOIN TASK FORCE AT #1 JONES

Captain Winters, Planning Division, presented contract extension to the Commission and asked for approval. Motion was made by Commissioner Hewlett, seconded by Commissioner Detrick and the matter was approved.

RESOLUTION NO. 163-92

EXTENSION OF JANITORIAL CONTRACT FOR THE TENDERLOIN TASK FORCE AT NO. 1 JONES

WHEREAS, the Tenderloin Task Force will probably be remaing in the #1 Jones Street location until June 30, 1993

WHEREAS, there is a significant need for janitorial service for the duration of their stay

WHEREAS, the current janitorial contract with Custodian Janitorial Service and Building Maintenance expired on September 30, 1992

WHEREAS, the monthly cost of service has been reduced to $2,937.00 per month

RESOLVED, that the Police Commission hereby approves the extension of the janitorial contract with the current contractor at the quoted rate through the fiscal year or when the Task Force withdraws from the building, whichever comes first.

AYES: Commissioners Detrick, Hewlett, Low, Nelson
ABSENT: Commissioner Rodriguez

PROPOSED AMENDMENTS TO MUNICIPAL POLICE CODE PERMIT LICENSE FEE SECTIONS

Officer Farrell Suslow, Permits Section, discussed proposed amendment to the Municipal Police Code regarding permits and license fees and after the discussion, motion was made by Commissioner Nelson and was then unanimously approved.

RESOLUTION NO. 164-92

AMENDMENTS TO MUNICIPAL POLICE CODE PERMIT AND LICENSE FEE SECTIONS

WHEREAS, San Francisco Charter Section 6.402 requires that fees charges for the issuance and regulation of permit and license be equal to the cost of such issuance and regulation; and

WHEREAS, the Permit and Taxi Sections have prepared and submitted a schedule of fees reflecting current costs; therefore be it

RESOLVED, that the attached proposed ordinance amending Municipal Police Code Sections 2.26, 2.26.1, 2.27 and 2.27.1 is hereby transmitted to the Board of Supervisors for adoption.

AYES: Commissioners Detrick, Hewlett, Low, Nelson
ABSENT: Commissioner Rodriguez

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF SALE AND TRANSFER OF PATROL BEAT NO. 147 FROM PSO ALFRED GRENCI TO PSO CALVIN WILEY

Over to October 28th.

PRESENTATION OF THE DEPARTMENT'S FOURTH QUARTERLY GOALS

Lt. Pecinovsky, Management Control, discussed Training and Disciplinary Schedule. He also talked of quality of report.

Ron Roth, Special Investigations, discussed Hate Crimes.

Captain Robert Fife, Communications, discussed problems and areas of concern in Communications and also stated they have began the process of hiring seven new dispatchers.

Frank Martin del Campo, Local 790, addressed the Commission regarding injury rate of Communication Dispatchers.

Captain Martel, Traffic E&I, discussed Informant Porgram presently in progress.

Captain Hebel discussed CPOP Program and updated the Commission regarding same and also discussed Training and Awareness Programs.

Captain Suttmeier addressed the Commission regarding facilities plan.

Captain Winters discussed crime statistics.

Captain Cullop discussed Investigations Bureau and updated the Commission on the questionnaire given to reportees regarding police service.

Captain Hebel again addressed the Commission regarding Youth Program.

PUBLIC COMMENTS

None

The meeting, thereafter, was adjourned at 7:45 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6822M

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OCTOBER 14, 1992 SPECIAL MEETING

Police Commissioner Cloey Hewlett conducted a Special Meeting on Wednesday, October 14, 1992 at 5:00 p.m. in Room 551, Hall of Justice.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES FILED AGAINST PATROL SPECIAL OFFICER STEVEN RUSSO, FOB/PARK STATION

The hearing for taking of evidence in the disciplinary charges filed against Patrol Special Officer Steven Russo was called at 5:00 p.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Robert Noel, Attorney at Law, appeared on behalf of PSO Russo.

The following witness appeared for the Prosecution, having previously been sworn continued his testimony:

Officer Don Sloan, Park Station

The following witness was called by the Prosecution, were sworn and testified:

Sergeant David Roccaforte, Park Station

The following witnesses were called by the Defense, were sworn and testified:

Patrol Special Officer Steven Russo, Park Station
Patrol Special Officer John Candido

The following witness was recalled by the Defense and further testified:

Patrol Special Officer Steven Russo, Park Station

The following exhibit was entered into evidence by the Prosecution:

Exhibit #10 Copy of General Order I-14

The following exhibits were entered into evidence by the Defense:

Exhibit E Memo dated May 5, 1991 from Officer Don Sloan to Captain Lawrence Minasian

Exhibit F Incident Report #910553969

Exhibit G C.A.D. Report

Exhibit H Memo dated May 5, 1991 from Sergeant Michael Dempsey to Captain Lawrence Minasian

The hearing was then adjourned to be continued on Tuesday, October 20, 1992 at 3:00 p.m. in Room 551, Hall of Justice.

Recesses taken during the hearing of PSO Russo:

6:30 p.m. to 6:50 p.m.
7:35 p.m. to 7:55 p.m.

(The entire proceeding was taken in shorthand form by Ms. Linda Pransky, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6704M

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OCTOBER 19, 1992 SPECIAL MEETING

Police Commissioner Dorian Nelson conducted a Special Meeting on Monday, October 19, 1992 at 10:00 a.m. in Room 551, Hall of Justice.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST POLICE OFFICER CLIFTON A. MATTHEWS, JR. MEDICAL LIAISON

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Clifton A. Matthews, Jr., was called at 10:55 a.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Tito Torres, Attorney at Law, appeared on behalf of Officer Clifton Matthews.

Opening statements were made by Mr. Tito Torres and Mr. Jerry Akins.

The following witness was called by the Prosecution, was sworn and testified:

Ms. Christina Szele

The following exhibit was entered for identification by the Defense:

Exhibit A Copy of Note by Michael Bosh

The hearing was then adjourned.

Recess taken during the hearing of Officer Matthews:

12:10 p.m. - 12:25 p.m.

(The entire proceeding was taken in shorthand form by Mr. Ross Ortega, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6704M/3

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OCTOBER 20, 1992 SPECIAL MEETING

Police Commissioner Cloey Hewlett conducted a Special Meeting on Tuesday, October 20, 1992 at 3:00 p.m. in Room 551, Hall of Justice.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST PATROL SPECIAL OFFICER STEVEN RUSSO, FOB/PARK STATION

The hearing for taking of evidence in the disciplinary charges filed against Patrol Special Officer Steven Russo was called at 3:10 p.m., it having been continued from the hearing of October 14, 1992.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Robert Noel, Attorney at Law, appeared on behalf of PSO Russo.

The following witness appeared for the Defense, having previously been sworn continued his testimony:

Patrol Special Officer Steven Russo, Park Station

The following witness appeared for the Prosecution, was sworn and testified:

Lieutenant Edmund Pecinovsky, Management Control Division

The following exhibits were entered into evidence by the Prosecution:

| | |
|---|---|
| Exhibit 11 | Copy of General Order F-3 |
| Exhibit 12 | Audio Cassette Tape - 4/27/91 3F81, Lyon McAllister |
| 12A | Transcript of Cassette Tape #12 |
| Exhibit 13 | Large Diagram - Broadway, Fillmore & Webster |

The following exhibits were entered into evidence by the Defense:

| | |
|---|---|
| Exhibit I | Copy of Report #910473931 dated 4/11/91 |
| Exhibit J | Beat Coverage Form - January, 1992 |
| Exhibit K | Memo dated 7/29/91 from PSO S. Russo to Captain L. Minasian |
| Exhibit L | Letter from "Sacred Heart School" dated 5/1/92 |

The hearing was then adjourned to be continued for decision on Wednesday, December 2, 1992 at 5:30 p.m., in Room 551, Hall of Justice.

Recess taken during the hearing of PSO Russo:

4:40 p.m. to 4:55 p.m.

(The entire proceeding was taken in shorthand form by Mr. Dave Davenport, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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OCTOBER 21, 1992 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met at James Lick Middle School, 1220 Noe Street, at 5:45 p.m. in an Executive Session.

Attorney-Client Conference

Bringardner v. CCSF et al

OCTOBER 21, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met at James Lick Middle School, 1220 Noe Street, at 6:00 p.m. in a Regular Meeting.

PRESENT: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claim against City and County of San Francisco:

RESOLUTION NO. 167-92

BRINGARDNER vs. CAIRNS, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Bringardner vs. Cairns, et al" in Superior Court No. 920-920 in the amount of $225,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: October 6, 1992

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

APPROVAL OF MINUTES OF MEETING OF JULY 8, 1992

Approval of Minutes of Meeting of July 8, 1992, the Commissioners having received, approved, and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Low greeted the audience; introduced the Commission and the Police Department staff, O.C.C., Captain Ribera, District Attorney Arlo Smith and Assistant District Attorney Robert Podesta. No new matters to be calendared.

CHIEF'S REPORT TO THE POLICE COMMISSION

Acting Chief Thomas Murphy deferred the report to Captain of Mission Station, Captain Anthony Ribera.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Alfreda Porter, Director of OCC, indicated her office is monitoring the demonstration regarding the handicapped. OCC investigator, David Aulet, addressed the audience regarding duties and responsibilities of the Office of Citizen Complaints.

RESOLUTION NO. 168-92

SILVER AWARD GRANTED TO INSPECTOR DANIEL YAWCZAK

WHEREAS, the following named member of the Police Department has been commended for courageous service under the provisions of General Order O-5,

Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Thursday, October 8, 1992; and

WHEREAS, Acting Chief of Police Thomas F. Murphy has recommended to the Police Commission that said member be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Inspector Daniel Yawczak is hereby awarded the Silver Medal of Valor and granted reward of $300.00, as provided for under said Section of the Charter.

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
ABSENT: Commissioner Hewlett

CAPTAIN ANTHONY RIBERA, COMMANDING OFFICER, MISSION STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE MISSION DISTRICT

Captain Ribera addressed the audience and introduced Lieutenant Marvin Dean of Mission Station and they discussed police actions or police activities in the Mission District including crime in Mission Street between 15th and 25th Streets and the actions of the Mission Station personnel in combatting same. He complimented the members of Mission Station.

PUBLIC COMMENTS

Hilda Berstein, Liberty Hill Association, addressed the Commission regarding the location of the district meetings held by the Commission. She talked of police response to crime, staffing shortage and asked the Commission to tell the Mayor that more police resources are needed.

Frank Morales recommended giving Captain Ribera the resources needed to do the job at Mission Station.

Linda Power, Inner-Mission Neighbors Association, discussed problems in and around the Bernal Dwellings, Communications problems in San Francisco, General Hospital Police Force and invited the Commission to her home so that they could observe the conditions in the area.

Carlos Torres, 26th and Hampshire area, talked of crime in the area of Rolph Park and his concerns regarding drinking in public.

Unidentified discussed crime problems on 26th and Hampshire and suggested opening 26th Street to traffic and also asked for more enforcement of the curfew law.

Yosadek Desta discussed taxi issues and issuance of new permits with the Commission.

Andy Solo, resident Mission District, discussed policy services in the Mission and recommended opening 26th Street between Treat and Harrison.

Sam Reyes, Mission Neighbors Association, talked of drug problems in the Mission District and suggested the next meeting be held in 263 Capp Street.

John Barbi, resident Dolores Park area, discussed crime in and around Dolores Park, prostitution and recent burglaries in the area.

Vicky, property owner 14th & Shotwell area, discussed crime in the Mission District and stated that more money is needed to enforce laws.

Gloria Kersinowski, discussed public inebriates in the area.

Karen Dias, resident of the Inner-Mission neighbors Association, suggest more traffic enforcement of the INS laws and talked of public drunkenness.

Anita Isabella recommended opening 26th Street at Treat.

Pat Howard asked for more CPOP officers and more uniformed officer.

Patricia Port, Abbey Street resident, wants more uniformed officers in the area and discussed the crime problem.

District Attorney Arlo Smith is introduced by Commissioner Low and asked by Commissioner Low to address the audience if he wishes. He then discussed some concerns expressed by the residence and the actions by the D.A.'s office.

The meeting, thereafter, was adjourned at 8:50 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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OCTOBER 28, 1992 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Wednesday, October 28, 1992 at 5:15 p.m. in an Executive Session.

Government Code 54956.9(B)(1)
Yvonne Johnson-Miller, et al v. CCSF, et al

OCTOBER 28, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, October 28, 1992 at 5:30 p.m. in a Regular Meeting.

PRESENT: Commissioners Hewlett, Low, Nelson, Rodriguez
ABSENT: Commissioner Detrick

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 171-92

TAXICAB PERMIT APPLICATION OF JUAN LIMTIACO

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Juan Limtiaco, based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Juan Limtiaco.

AYES: Commissioners Hewlett, Nelson and Rodriguez
ABSENT: Commissioners Detrick and Low

RESOLUTION NO. 172-92

YVONNE JOHNSON-MILLER, et al v. CCSF et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Yvonne Johnson-Miller, et al vs. CCSF et al" in the United States District Court No. USDC C89-1892 FMS in the amount of $30,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: April 27, 1988

AYES: Commissioners Hewlett, Nelson and Rodriguez
ABSENT: Commissioners Detrick and Low

POLICE COMMISSION REPORT

Commissioner Hewlett asked that the Cultural Diversity Training Plan be calendared for November 4, 1992.

CHIEF'S REPORT TO THE POLICE COMMISSION

Acting Chief Thomas F. Murphy briefed the Commission on recent arrest on members of the Wo Hop To Gang; service of grand jury indictments relating to robbery charges. Chief Murphy also announced to the Commission and reminded them of a Medal of Valor ceremony to be held October 29 at 4:00 p.m. at the Police Commission hearing room.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Ms. Alfreda Porter, OCC Director, addressed the Commission regarding policy recommendations which were forwarded to the Chief and stated a meeting with the Chief will be held within 30 days regarding these recommendations. Ms. Irene Raposa then presented the third quarter statistics.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF SALE AND TRANSFER OF PATROL BEAT NO. 147 FROM PSO ALFRED GRENCI TO PSO CALVIN WILEY

Off Calendar. To be rescheduled at a later date.

DISCUSSION AND ADOPTION OF THE REVISED GENERAL ORDER R-6, "MANDATORY BLOOD TESTS FOR DRIVERS UNDER THE INFLUENCE"

Captain Dennis Martel presented revised General Order R-6 and discussed content with the Commission. Mr. Paul Demister, Public Defenders' office, expressed concerns and asked the matter be put over and asked not to change existing policy. Mr. Jerry Coleman, District Attorneys' office, addressed Commission regarding contents of the General Order.

RESOLUTION NO. 169-92

REVISED GENERAL ORDER R-6, "MANDATORY BLOOD TESTS FOR DRIVERS UNDER THE INFLUENCE"

RESOLVED, that the Police Commission hereby approves General Order R-6, "Mandatory Blood Tests for Drivers Under the Influence", as amended.

AYES: Commissioners Hewlett, Nelson and Rodriguez
ABSENT: Commissioners Detrick and Low

PRESENTATION OF DEPARTMENT GOALS OF 92/93

To be calendared at a later date.

PUBLIC COMMENTS

Joanne Sanseri representing Drunk Driving Task Force addressed the Commission regarding the General Order and supports General Order R-6.

Margaret Bell, mother of a victim who was killed as result of a drunk driver, supports R-67 and recommended the Commission's support.

Jack Bethards, resident and business owner in Mission District, supported the Police Commission and also supported immediate adoption of General Order R-6.

Mariam Morley, City Attorney's Office, suggested revision of General Order R-6 and after discussion with the Commission, motion by Commissioner Hewlett, second by Commissioner Rodriguez that General Order be adopted and approved as revised.

Thereafter, the meeting was adjourned at 6:50 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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NOVEMBER 4, 1992 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, November 4, 1992 at 4:30 p.m. in a Special Meeting.

RESOLUTION NO. 177-92

APPOINTMENT OF ANTHONY D. RIBERA AS CHIEF OF POLICE

RESOLVED, that the Police Commission unanimously appoints Anthony D. Ribera as the Chief of Police of the San Francisco Police Department.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

NOVEMBER 4, 1992 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Wednesday, November 4, 1992 at 5:15 p.m. in an Executive Session.

Attorney-Client Conference

Gaudiya Vaishnava Society, et al vs. CCSF et al

NOVEMBER 4, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, November 4, 1992 at 5:30 p.m. in a Regular Meeting.

PRESENT: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

APPROVAL OF CONSENT CALENDAR

REQUEST OF PSO JOHN J. CANDIDO FOR APPROVAL TO CARRY PERSONALLY OWNED HANDGUN ON DUTY (SMITH & WESSON, 5906 SEMI-AUTO, 9MM, SERIAL NO. TDA1656)

Put over to December 2, 1992 for clarification.

RESOLUTION NO. 176-92

GUADIYA VAISHNAVA SOCIETY, et al vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Gaudiya Vaishnava Society, et al vs. CCSF" in United States District Court No. C88-1904 FMS in the amount of $29,500.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: July 21, 1986

AYES: Commissioners Detrick, Hewlett, Low, Nelson Rodriguez

POLICE COMMISSION REPORT

Commission President Low announced that the Police Commission held a special meeting regarding the nomination by the Mayor of Captain Anthony Ribera to be Chief of Police. Commissioner Low

discussed the interview and allows the public comments regarding the nomination for Chief of Police. No public comments regarding this. Motion was then made by Commissioner Hewlett to confirm Anthony Ribera for Chief of Police, second by Commissoner Nelson. Commissioner Low then asked again if there were any public comments prior to a vote, being none, Anthony Ribera's nomination for Chief of Police was then approved. New Chief Ribera ten addressed the Commission, thanked them for their appointment and briefed them on his intent as CHIEF. Commissioner Low then commended Acting Chief Thomas Murphy for his services and performance while acting as the Chief of Police. He paid tribute to him for his service. Commissioner Low then asked a letter of appreciation be sent to Acting Chief Murphy in appreciation of his services.

a. MOTION OF CALENDARING OF NEW MATTERS

Commissioner Hewlett asked that the Schedule of Discipline be calendared for December 2, 1992.

CHIEF'S REPORT TO THE POLICE COMMISSION

None

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

None

RESOLUTION NO. 170-92

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER MATTHEW GARDNER, PARK STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Matthew Gardner, Park Station, was called it having been set for this date; and

WHEREAS, Commissioner Anthony P. Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Gardner; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Gardner and is to be set at a later date.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

RESOLUTION NO. 173-92

ASSIGNMENT OF COMMISSIONER AND SETTING OF DATE TO CONDUCT TAKING OF EVIDENCE IN THE DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER ROLAND WING, PARK STATION

WHEREAS, the assignment of a Commissioner and setting of a date to conduct taking of evidence in the disciplinary charges filed against Officer Roland Wing, Park Station, was called it having been set for this date; and

WHEREAS, Commissioner Anthony P. Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Wing; therefore be it

RESOLVED, that Commissioner Rodriguez is hereby assigned to conduct taking of evidence in the disciplinary charges filed against Officer Wing and is to be set at a later date.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

PRESENTATION TO THE POLICE COMMISSION FROM MR. JIM WIGLER

Put over to December 2, 1992.

PRESENTATION OF DEPARTMENT'S CULTURAL DIVERSITY TRAINING

Captain Michael Hebel, Training Division, and Sergeant Jim Leach discussed the Department's Cultural Diversity Training. Captain Hebel stated training session set for December 5, 12, 19 and January 9 for the command structure of the Department. He presented a format and plan and invited the Commissioners to attend any training session. Sergeant Leach addressed the Commission regarding the training, described the program and planned criteria and overview of the program.

PRESENTATION OF DEPARTMENT GOALS OF 92/93

Put over to December 2, 1992.

PUBLIC COMMENTS

None

HEARING OF POLICE OFFICER EDDIE L. COLEY, POTRERO STATION

The hearing of Police Officer Eddie L. Coley, Potrero Station, was called it having been set for this date. Officer Coley was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department and brings discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency or discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Richard D. Hongisto, former Chief of Police of the San Francisco Police Department.

Officer Eddie L. Coley appeared in person and was represented by Mr. Steven Whitmore, Attorney at Law.

Officer Arlana Spikener appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

A motion was made by Mr. Whitmore that the matter be continued until Chief Anthony Ribera is available to hear the arguments. Mr. Prentice, attorney for Officer Arlana Spikener, agreed with the request of Mr. Whitmore.

The motion was denied unanimously by the Commission.

Closing statements were made by Mr. Akins, Mr. Whitmore and Mr. Prentice.

The Commission took the matter under submission, recessed and returned, finding that Specifications No. 1 and 2 are sustained and the following resolution was adopted:

RESOLUTION NO. 174-92

DECISION - HEARING OF OFFICER EDDIE L. COLEY, POTRERO STATION

WHEREAS, May 8, 1992, Richard D. Hongisto, former Chief of Police of the San Francisco Police Department, made and served charges against Officer Eddie L. Coley, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Eddie L. Coley, Star Number 291, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Potrero District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On December 1, 1991, the accused was working at Potrero Station, assigned the duties of the Station Keeper from 0200-0700 hours;

(4) The accused was working at the station keeper in Potrero Station at or about 0400 hours when two woman friends, San Francisco Police Officer Arlana Spikener and another female civilian employee of the department, came to the station, the three of them became involved in a loud and disruptive argument; shortly thereafter, the accused and his two friends exited the station to resolve their differences;

(5) On December 1, 1991, at or about 0430 hours, the accused and his two woman friends continued their discussions and disagreements on the sidewalk in front of Potrero Station on the corner of Third Street and 20th Street; the accused went to the car belonging to Officer Spikener, looked in the window, saw a handgun on the front car seat which he picked up and carried with him as he walked away from the automobile;

(6) Officer Spikener asked for the return of the weapon, the accused then gave the weapon back to her; shortly after he returned the weapon to her, she discharged the weapon;

(7) The accused was assigned the duties of station keeper at the Potrero Station, and as such was acting as a sergeant and was paid at sergeant's rate of pay, from 0200 hours to 0700 hours, on December 1, 1991, which covers the time that Officer Spikener discharged the handgun she was holding; the accused did not make a report of the incident and did not make notifications of the discharge as required by General Orders D-2 and F-1 of the San Francisco Police Department;

(8) The accused, by failing to make notifications and reports as required by virtue of his assigned duties as station keeper in violation of General Orders D-2 and F-1, has engaged in conduct which tends to subvert the good order, efficiency or discipline of the department and which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(9) Paragraphs 1 through 7 of Specification No. 1 herein above are realleged and incorporated herein by reference as though set forth in full;

(10) On December 1, 1991, at or about 0400 hours, the accused commenced personal business in the Potrero Station with two woman friends which became loud and disruptive, the accused left his duties and took the argument outside the station where it continued until the shot was fired from the handgun as set forth above, and the accused and the two women returned to the inside of the station and continued the argument until the Platoon Commander ordered the two women to leave the station;

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Arlana P. Spikener, Star Number 1065, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Ingleside District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On December 1, 1991, at or about 0400 hours, the accused was working at Ingleside Station; the accused requested off setting overtime and left the station;

(4) On December 1, 1991, shortly after 0400 hours, after the accused left Ingleside Station, she drove her personal automobile to her home; shortly thereafter, she left her home and drove her personal automobile to Potrero Police Station to discuss personal matters with San Francisco Police Officer Eddie L. Coley, who was assigned to Potrero Station and working as the Station Keeper at Potrero Station on December 1, 1991;

(5) When the accused arrived at Potrero Station, she entered the station and became involved in an argument with Officer Eddie L. Coley and another woman who arrived shortly after the accused, the discussion became loud and the accused along with Officer Coley and the other woman left the Station Building and continued their argument and discussion on the sidewalk in front of Potrero Station near the intersection of Twentieth Street and Third Street;

(6) In the course of the argument, the accused went to her automobile which was parked near the intersection of Twentieth and Third Streets; the accused entered the automobile and while she was sitting there, Officer Coley approached her automobile where he saw a hand gun, a .38 caliber five shot revolver, sitting on the front seat of the automobile, Officer Coley reached into the automobile and removed the hand gun from the automobile;

(7) Officer Coley walked away from the accused's automobile and requested that Officer Coley return the hand gun to her, which he did; after Officer Coley returned the hand gun to the accused, she fired one round from the hand gun without any police purpose or other justification;

(8) The accused, by exhibiting and firing her personal firearm for other than law enforcement purposes, has engaged in conduct which constitutes a violation of Rule VI, of General Order F-1, of the San Francisco Police Department, which states:

"The discharging of firearms in a reckless and irresponsible manner or while under the influence of any substance likely to impair physical or mental processes is prohibited and subject to disciplinary action by the department whether the incident occurs within or outside of the City and County limits."

(9) The accused, by displaying and discharging her personal pistol in the City and County of San Francisco, in violation of General Order F-1, has engaged in conduct which subverts the good order, efficiency and discipline of the department and which reflects discredit on the department in violation of Rule A-9, of General Order D-1, of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(10) Paragraphs (1) through (8) of Specification No. 1 herein above are alleged and incorporated herein by reference as though set forth in full;

(11) On December 1, 1991, at or about 0400 hours, the accused, while off-duty, went to the Potrero Station to pursue personal business with Officer Coley who was working; the accused entered into a discussion which became loud and argumentative; the argument moved to the sidewalk outside the building and continued; after the accused fired her hand gun, the discussion and disruptive behavior moved back inside the station and further disrupted the station procedure until she had to be ordered to leave by the platoon commander;

(12) The accused, by disrupting the station procedure at Potrero Station and engaging in personal business with the member of the department assigned to act as station keeper there, has engaged in conduct which subverts the good order, efficiency and discipline of the department and which reflects discredit on the department in violation of Rule A-9, of General Order D-1, of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is

(11) The accused, by engaging in personal business while assigned to be the Station Keeper and disrupting the station with loud and disruptive arguments with two friends has engaged in conduct which subverts the good order, efficiency and discipline of the department and which reflects discredit on the department in violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 20, 1992; Thursday, July 30, 1992 and Wednesday, November 4, 1992, and on November 4, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 and No. 2 as preferred by the Chief of Police against Officer Eddie L. Coley are sustained by a preponderance of evidence presented; and

WHEREAS, on December 2, 1992, the Commission met to determine the penalty to be imposed as a result of sustained charges filed against Officer Eddie L. Coley; and be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of the San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1 AND 2

One hundred and eighty (180) days suspension

and be it further

RESOLVED, that the total suspension of one hundred eighty (180) days shall commence on Thursday, December 3, 1992, at 0001 hour and terminate on Monday, May 31, 1993 at 2400 hours.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

Recess taken during the hearing of Officer Coley:

7:30 p.m. to 7:40 p.m.

(The entire proceedings were taken in shorthand form by Mr. Paul Schiller, CSR - Mary Hildebrand, Inc.)

HEARING OF POLICE OFFICER ARLANA P. SPIKENER, INGLESIDE STATION

The hearing of Police Officer Arlana P. Spikener, Ingleside Station, was called it having been set for this date. Officer Spikener was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Drawing and firing a hand gun on a public street in violation of public street in violation of General Order F-1, which conduct brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency or discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Richard D. Hongisto, former Chief of Police of the San Francisco Police Department.

Officer Eddie L. Coley appeared in person and was represented by Mr. Steven Whitmore, Attorney at Law.

Officer Arlana Spikener appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

A motion was made by Mr. Whitmore that the matter be continued until Chief Anthony Ribera is available to hear the arguments. Mr. Prentice, attorney for Officer Arlana Spikener, agreed with the request of Mr. Whitmore.

The motion was denied unanimously by the Commission.

Closing statements were made by Mr. Akins, Mr. Whitmore and Mr. Prentice.

The Commission took the matter under submission, recessed and returned, finding that Specifications No. 1 and 2 are sustained and the following resolution was adopted:

RESOLUTION NO. 175-92

DECISION - HEARING OF OFFICER ARLANA P. SPIKENER, INGLESIDE STATION

WHEREAS, May 8, 1992, Richard D. Hongisto, former Chief of Police of the San Francisco Police Department, made and served charges against Officer Arlana P. Spikener, and

prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 20, 1992; Thursday, July 30, 1992 and Wednesday, November 4, 1992, and on November 4, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 and No. 2 as preferred by the Chief of Police against Officer Arlana Spikener are sustained by a preponderance of evidence presented; and

WHEREAS, on December 2, 1992, the Commission met to determine the penalty to be imposed as a result of sustained charges filed against Officer Arlana P. Spikener; and be it

RESOLVED, that based on the stipulation of Officer Arlana Spikener, these findings and consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of the San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1 AND 2

Officer Arlana P. Spikener shall be terminated, however, termination shall be held in abeyance for three (3) years on the following conditions: Thirty (30) days suspension on each charge, total of sixty (60) days actual suspension; no excessive use of alcohol; no use of controlled substance of any kind; no violation of any General Orders of the Police Department, imposition of termination, in the event Officer Arlana P. Spikener violates the conditions set forth, shall be imposed only after violations are sustained at a hearing before the Police Commission;

and be it further

RESOLVED, the total suspension of sixty (60) days shall commence on Thursday, December 3, 1992 at 0001 hour and terminate on Monday, February 1, 1993 at 2400 hours.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

Recess taken during the hearing of Officer Spikener:

7:30 p.m. to 7:40 p.m.

(The entire proceedings were taken in shorthand form by Mr. Paul Schiller, CSR - Mary Hildebrand, Inc.)

Thereafter, the meeting was adjourned at 6:20 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/6818M

The Police Commission meeting for Wednesday, November 11, 1992, has been cancelled due to Veteran's Day.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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NOVEMBER 18, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met at Commodore Stockton School, 950 Clay Street, at 6:00 p.m. in a Regular Meeting.

PRESENT: Commissioners Hewlett, Low, Nelson, Rodriguez
ABSENT: Commissioner Detrick

APPROVAL OF CONSENT CALENDAR

There was no Consent Calendar

APPROVAL OF MINUTES OF JULY 15, 1992

Approval of Minutes of meeting of July 15, 1992, the Commissioners having received, approved, and returned copies of same.

POLICE COMMISSION REPORT

Deferred to Captain of Central Station.

RESOLUTION NO. 178-92

WITHDRAWAL OF DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER MICHAEL J. REESINK, NORTHERN STATION

WHEREAS, Chief Anthony Ribera requests that the charges against Police Officer Michael Reesink, Northern Station, be withdrawn and that it will be handled administratively; therefore be it

RESOLVED, that charges filed against Police Officer Michael J. Reesink be withdrawn and taken off calendar.

AYES: Commissioners Hewlett, Low, Nelson, Rodriguez
ABSENT: Commissioner Detrick

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera advised the Commission regarding recent transfer of captains and discussed the start of a Safe Shoppers Program which is to start the following week. Chief Ribera also discussed enforcement programs which will be started at Norther, Mission and Tenderloin Task Force Districts. He indicated three enforcement areas will be targeted each month at different districts. He also discussed recently issued order regarding carjacking program. Deputy Chief Law addressed the Commission regarding the program.

OCC'S REPORT TO THE POLICE COMMISSION

Barbara Attard, representing Alfreda Porter who is out of town, described duties of the OCC.

COMMANDING OFFICER, CENTRAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE CENTRAL DISTRICT

Captain Dennis Martel, Central Station, described to the Commission the present activities of the personnel of Central Station regarding problems in the district. He discussed prostitution in the Geary Street area which is being addressed with the help of Vice Crimes, District Attorney, the Sheriffs, etc. He also talked of problems with victims who are hesitant to make police reports.

PUBLIC COMMENTS

Aaron Rosen, business owner Bush and Van Ness, proposed more uniformed officers patrol the streets.

Lee Waterlin, Montgomery Street, suggested civilian volunteers at the stations to free up more uniformed police for street duties.

Kathy Freeman, resident 630 Mission, discussed crime problems in the area.

Yvonne Lee, National Chinese Alliance, discussed safety in Chinatown and the lack of crime reporting by victims.

Unidentified person addressed the Commission regarding police work with the media regarding crime prevention, urged more patrol in Chinatown.

Mrs. Louie, resident 1011 Washington Street, discussed juvenile problems, vandalism and asked for more police in the area.

Eunio Lim, asked for more cooperation with the media, with the police department.

Debbie Brady, property owner Jones Street, discussed prostitution problem around her property.

Walter Pastori, business owner Northbeach Chamber of Commerce, complimented Captain of Central and asked that more officers be assigned on weekends and also request more foot patrol.

Mr. Woo, Chinatown Tenants Association, asked for more officers in the Chinatown area.

Anthony Alioto discussed homeless, littering and suggest fines etc. for this problems.

District Attorney Arlo Smith then addressed the audience regarding actions by the District Attorney's Office in conjunction with the Police Department to address these problems and concerns expressed by the citizens.

The meeting, thereafter, was adjourned at 7:55 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/6836M

11 MINUTES

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NOVEMBER 23, 1992 SPECIAL MEETING

Police Commissioner Dorian Peters Nelson conducted a Special Meeting on Monday, November 23, 1992 at 2:15 p.m. in Room 551, Hall of Justice.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST POLICE OFFICER CLIFTON A. MATTHEWS, JR., MEDICAL LIAISON

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Clifton A. Matthews, Jr., was called at 2:35 p.m., it having been set for this date.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Tito Torres, Attorney at Law, appeared on behalf of Officer Clifton Matthews.

The following witness was called by the Defense, was sworn and testified:

Mr. Robert Liburdy - Polygraph Examiner

The hearing was then adjourned to be continued on Monday, November 30, 1992 at 5:00 p.m., at the Police Commission Hearing Room, Room 551, Hall of Justice.

(The entire proceeding was taken in shorthand form by Mr. Paul Schiller, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6909M

The Police Commission Meeting for Wednesday, November 25, 1992, has been cancelled.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

11 POLICE COMMISSION 11/MINUTES



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12/1/92

NOVEMBER 30, 1992 SPECIAL MEETING

Police Commissioner Dorian Peters Nelson conducted a Special Meeting on Monday, November 30, 1992 at 5:15 p.m. in Room 551, Hall of Justice.

PROCEDURAL HEARING FOR TAKING OF EVIDENCE IN THE CHARGES AGAINST POLICE OFFICER CLIFTON A. MATTHEWS, JR., MEDICAL LIAISON

The hearing for taking of evidence in the disciplinary charges filed against Police Officer Clifton A. Matthews, Jr., was called at 5:15 p.m., it having been continued from the meeting of November 23, 1992.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Tito Torres, Attorney at Law, appeared on behalf of Officer Clifton Matthews.

The following witnesses appeared for the Defense, were sworn and testified:

Sergeant James Baca - Personnel
Officer Clifton A. Matthews

The following witness appeared for the Prosecution, was sworn and testified:

Amyee L. Tribe

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 Copies of Motel Receipts (Three) "Clifton Matthews 798 Jerrold"

The hearing was then adjourned.

Recess taken during the hearing of Officer Matthews:

7:30 p.m. - 7:50 p.m.

(The entire proceeding was taken in shorthand form by Mr. Paul Schiller, CSR.)

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rt
W/6909M/2

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DECEMBER 2, 1992 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Wednesday, December 2, 1992 at 5:15 p.m. in Executive Session.

Attorney-Client Conference

Farmers Insurance Group v. CCSF

DECEMBER 2, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, December 2, 1992 at 5:30 p.m. in a Regular Meeting.

PRESENT: Commissioners Detrick, Hewlett, Nelson and Rodriguez
ABSENT: Commisioner Low

APPROVAL OF CONSENT CALENDAR

REQUEST OF PSO JOHN J. CANDIDO FOR APPROVAL TO CARRY PERSONALLY OWNED HANDGUN ON DUTY (SMITH & WESSON, 5906 SEMI-AUTO, 9mm, SERIAL NO. TDA1656)

WHEREAS, current rules do not permit carrying of such equipment and lacking a motion, be it

RESOLVED, that the request of PSO John J. Candido to carry his personally owned handgun on duty (Smith & Wesson, 5906 Semi-Auto, 9mm, Serial No. TDA1656) is hereby denied.

AYES: Commissioners Detrick, Hewlett, Nelson, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 179-92

FARMERS INSURANCE GROUP

RESOLVED, that the recommendation of the City Attorney for settlement of unlitigated claim of Farmers Insurance Group against the City and County of San Francisco, Claim No. 92-00323, in the sum of $10,438.61, as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 1, 1992

AYES: Commissioners Detrick, Hewlett, Nelson, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 180-92

REQUEST OF THE CHIEF OF POLICE FOR THE REMOVAL OF MR. HERMA LEE FROM THE TAXICAB APPLICANT'S WAITING LIST

WHEREAS, Mr. Lee has not maintained current address information with the Taxi Detail since 1983;

WHEREAS, a records check was made with the Department of Motor Vehicles as well as all department computer systems with negative results; and

WHEREAS, the Taxicab Detail recommends that Mr. Herma Lee be removed from the Taxicab Applicant's waiting list; therefore be it

RESOLVED, that the Police Commission hereby approves the removal of Mr. Herma Lee from the Taxicab Public Convenience and Necessity List.

AYES: Commissioners Detrick, Hewlett, Nelson, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 181-92

TAXICAB PERMIT APPLICATION OF FRANK GUTIERREZ

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Frank Gutierrez based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Frank Gutierrez.

AYES: Commissioners Detrick, Hewlett, Nelson, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 182-92

TAXICAB PERMIT APPLICATION OF HOWARD GREEN

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that Howard Green based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Howard Green.

AYES: Commissioners Detrick, Hewlett, Nelson, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 183-92

TAXICAB PERMIT APPLICATION OF JAMES CHAN

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that James Chan based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to James Chan.

AYES: Commissioners Detrick, Hewlett, Nelson, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 184-92

TAXICAB PERMIT APPLICATION OF WILLIAM JOHNSON

WHEREAS, the San Francisco Police Commission, pursuant to its authority under Article 16, of the Municipal Police Code, appointed a Hearing Officer who conducted hearings from October 15, 1991 through October 22, 1991, regarding the current levels of taxicab service in the City and County of San Francisco and the requirements of public convenience and necessity therefore; and

WHEREAS, based upon the entire record of the hearings on public convenience and necessity and on the individual applications, the Police Commission finds that the number of taxicab permits set at 811 as per Resolution No. 1201-87 shall remain at 811; and

WHEREAS, the Commission determined on Wednesday, May 27, 1992, based on the records received at that meeting that public convenience and necessity required the operation of 811 taxi motor vehicle for hire permits; therefore be it

RESOLVED, that William Johnson based on his application and the San Francisco Permit Bureau certification, is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to William Johnson.

AYES: Commissioners Detrick, Hewlett, Nelson, Rodriguez
ABSENT: Commissioner Low

APPROVAL OF MINUTES OF MEETING OF JULY 22, 1992

Approval of Minutes of Meeting of July 22, 1992, the Commissioners having received, approved, and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Nelson asked that an update on the Hepatitis B Program be calendared for December 9th. Schedule of Discipline also calendared for December 9th.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera addressed the Commission regarding the Safe Shoppers' Program currently under way.

Captain Gleeson explained DUI checkpoints and Chief Ribera also talked of December Enforcement Programs to be conducted in the Mission, Potrero, regarding drinking in public, narcotics sales, traffic enforcement and gang activities in the Mission.

Captain Cullop, Tenderloin Task Force, discussed the Enforcement Program in the Tenderloin regarding prostitution and narcotics.

Chief Ribera then advised the Commission his plans for three enforcement projects each month in different districts. He also talked of current 911 problems and concerns stating he plans to look closely at management of overtime, sick leave, supervisory staff and assignment of seven new dispatchers. He also advised the Commission that he has formed a committee to look into the problems of Communications Section with Deputy Chief Reed as a co-chair and a meeting planned for next Wednesday.

PRESENTATION TO THE POLICE COMMISSION BY MR. JIM WIGLER

Taken out of order. Mr. Jim Wigler presented "Stars of S.F.P.D." Program to the Commission. He

indicated photos of a hundred police officers will be exhibited to promote the image of the S.F.P.D. Motion by Nelson, second by Detrick to approve this program.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Barbara Attard, OCC, stated Director Porter is ill and Ms. Attard reported policy recommendation have been sent to the Chief for review, will then report back to the Commission.

PRESENTATION OF DEPARTMENT GOALS OF 92/93

Put over to January, date to be set.

PUBLIC COMMENTS

Taken out of order.

Rod Rodriguez discussed problems in the Communications Section and asked that overtime hours be reinstated for staffing.

Geraldine Garp, Senior Action Network, discussed staffing level at Communications and asked that overtime be reinstated.

Frank Martin del Campo, Local 790, discussed union concerns regarding the problems in facilities in the Communications Section. He also discussed concerns of dispatchers in staffing and talked of light-duty officers being assigned to Communications.

Laura Kracke, dispatcher, discussed staffing. She stated that there's not enough dispatchers and asked the Commission for help.

Pat Ditman, asked for full allotment of overtime, immediate hiring of seven new dispatchers, new testing, so that more dispatchers can be hired and talked of the upcoming hiring of seven new dispatchers.

Marie Jobling, asked the Commission not to cut dispatchers' overtime.

Daniel Bacon, Potrero Hill resident, presented petition to the Commission regarding crime in the area and discussed his concerns of crime and allocation of officers and service in the area.

Commissioner Nelson is then appointed to the 911 committee to work with the members and report back to the Commission.

Commissioner Low arrived at 6:50 p.m.

Karen Huggin, resident Potrero Hill Annex and Terrace, solicited the Commission for support. She discussed lack of Afro-American officers eligibility for captains and talked of drug problems in the inner area.

HEARING ON CHARGES FILED AGAINST OFFICER JAMES DARRYL JONES, SUPPORT SERVICES

The hearing of Police Officer James Darryl Jones, Warrants Section, was called it having been set for this date. Officer Jones was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violating of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to take all reasonable steps to prevent crime (violation of Rule A(2) of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to make a written report to his commanding officer (violation of Rule I(A), 26A of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Drawing a firearm in a public place in furtherance of the commission of an illegal act (violation of Section I(B) and II(B) of General Order F-1 of the San Francisco Police Department);

in a properly verified complaint by Willis A. Casey, former Chief of Police of the San Francisco Police Department.

Officer James D. Jones appeared in person and was represented by Mr. Steve Whitmore, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Steve Whitmore entered a plea of no contest on Specification Nos. 1, 2, 3 and 4 on behalf of Officer Jones.

The Police Commission unanimously approved and accepted the plea of Officer Jones.

Based on these findings, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. The following recommendation was made by the Chief of Police:

SPECIFICATION NOS. 1, 2, 3 AND 4

Ninety (90) days suspension, thirty (30) days held in abeyance for one (1) year

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 187-92

DECISION - HEARING OF POLICE OFFICER JAMES DARRYL JONES, SUPPORT SERVICES DIVISION

WHEREAS, on February 13, 1992, Willis A. Casey, former Chief of Police of the San Francisco Police Department, made and served charges against Officer James Darryl Jones, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, James Darryl Jones, Star No. 2148, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to Southern Station and presently assigned to the Warrants Section;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) At all times mentioned herein, the accused was off-duty and in the City and County of San Francisco;.

(4) On or about May 5, 1990, the accused perpetrated the forcible abduction of a person from the streets of the City and County of San Francisco and transported this person to Southern Police Station in his personal vehicle;

(5) During the aforementioned abduction, the accused forcibly removed the victim from an automobile by pulling on the person's shirt and coat, pointed a gun at the victim's head, threw the person to the ground, and placed the gun to the back of the victim's head while handcuffing the victim;

(6) Upon arrival at the Southern Station, the accused stated that he had paid the victim to do repairs on a car owned by the accused and that the victim subsequently refused to complete the agreed upon work or in the alternative to return the monies paid to the victim by the accused;

(7) After arrival at Southern Station, the victim remained handcuffed and was placed in a detention cell by the accused;

(8) By the above stated conduct in perpetrating the abduction of the victim and the subsequent preparation of the promissory note as signed by the victim, the accused has engaged in conduct which subverts the good order, efficiency and discipline of the department and reflects discredit on the department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(9) The allegations contained in Specification No. 1 paragraphs (1) through (7) are hereby incorporated by reference as though fully set forth herein;

(10) The above referred to conduct, in forcible abducting the victim from a parked vehicle without legal justification while off-duty constitutes a violation of the laws of the State of California and Rule A(2) of General Order D-1 of the San Francisco Police Department, which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

SPECIFICATION NO. 3

(11) The allegations contained in Specification No. 1 paragraphs (1) through (7) are hereby incorporated in reference as though fully set forth herein;

(12) On May 5, 1990, while at Southern Station, the accused was told at least one time to write a report of the incident;

(13) The accused did not, on the above date or at any other time, write and/or file a report regarding the incident in question;

(14) By failing to document the circumstances of the incident, the conduct of the accused constitutes a violation of Rule I(A), 26(A) of General Order D-1 of the San Francisco Police Department, which states:

"Members shall when off-duty, make a written report to their commanding officer of any serious crime or urgent police matter which is brought to their attention or in which the member becomes involved as a peace officer."

SPECIFICATION NO. 4

(15) The allegations contained in Specification No. 1, paragraphs (1) through (7) are hereby incorporated by reference as though fully set forth herein;

(16) During the abduction of the victim, the accused utilized his weapon (pistol) in gaining control of, and compliance by the victim to orders from the accused;

(17) By drawing his weapon in a public place in furtherance of the commission of an illegal act, and without justifiable cause, the conduct by the accused constitutes a violation of Section I(B) and II(B) of General Order F-1 of the Rules and Procedures of the San Francisco Police Department, which states:

"I. POLICY

B. Nothing in the Firearms Use Policy shall preclude the drawing or exhibiting of a firearm during the course of an arrest or investigation when an officer deems it necessary for his own safety or that of another person. Firearms shall not be displayed without justifiable cause. (Emphasis Added)

II. DRAWING FIREARMS

A. an officer may draw and be ready to use his firearm any time he has reasonable cause to believe that he or another person may be in immediate danger of death or great bodily injury.

1. Officers are reminded not to cock their firearm in these instances.

B. An officer shall not draw a firearm in any public place except in the line of duty or for inspection by a superior.

1. ..."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on December 2, 1992, and on December 2, 1992, the matter was submitted to the Police Commission for decision; and

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1, 2, 3, AND 4

Ninety (90) days suspension, thirty (30) days held in abeyance for one (1) year.

and be it further

RESOLVED, that the sixty (60) days suspension shall commence on Saturday, December 5, 1992 at 0001 hour and terminate on Tuesday, February 2, 1993 at 2400 hours.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

(The entire proceedings were taken in shorthand form by Mr. Paul Schiller, CSR.)

RESOLUTION NO. 186-92

HEARING OF SERGEANT WILLIAM LEET, MEDICAL LIAISON

WHEREAS, on February 13, 1992, Willis A. Casey, former Chief of Police, made and served charges against Sergeant William Leet, Medical Liaison, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failing to properly supervise the conduct and actions of an officer subject to his supervision (violation of Section I(A) of General Order D-9 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Wednesday, December 2, 1992, as the date for the hearing on charges filed against Sergeant William Leet; and

WHEREAS, Chief of Police Anthony Ribera announced that Sergeant William Leet has retired from the San Francisco Police Department, said retirement effective close of business October 3, 1992; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Sergeant William Leet, Medical Liaison, be, and the same are hereby continued off calendar.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

HEARING OF POLICE OFFICER EDDIE L. COLEY, POTRERO STATION

The hearing of Police Officer Eddie L. Coley, Potrero Station, was called it having been set for this date. Officer Coley was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department and brings discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency or discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Richard D. Hongisto, former Chief of Police of the San Francisco Police Department.

Officer Eddie L. Coley appeared in person and was represented by Mr. Steven Whitmore, Attorney at Law.

Officer Arlana Spikener appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

A motion was made by Mr. Whitmore that the matter be continued until Chief Anthony Ribera is available to hear the arguments. Mr. Prentice, attorney for Officer Arlana Spikener, agreed with the request of Mr. Whitmore.

The motion was denied unanimously by the Commission.

Closing statements were made by Mr. Akins, Mr. Whitmore and Mr. Prentice.

The Commission took the matter under submission, recessed and returned, finding that Specifications No. 1 and 2 are sustained and the following resolution was adopted:

RESOLUTION NO. 174-92

DECISION - HEARING OF OFFICER EDDIE L. COLEY, POTRERO STATION

WHEREAS, May 8, 1992. Richard D. Hongisto, former Chief of Police of the San Francisco Police Department, made and served charges against Officer Eddie L. Coley, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Eddie L. Coley, Star Number 291, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Potrero District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On December 1, 1991, the accused was working at Potrero Station, assigned the duties of the Station Keeper from 0200-0700 hours;

(4) The accused was working at the station keeper in Potrero Station at or about 0400 hours when two woman friends, San Francisco Police Officer Arlana Spikener and another female civilian employee of the department, came to the station, the three of them

became involved in a loud and disruptive argument; shortly thereafter, the accused and his two friends exited the station to resolve their differences;

(5) On December 1, 1991, at or about 0430 hours, the accused and his two woman friends continued their discussions and disagreements on the sidewalk in front of Potrero Station on the corner of Third Street and 20th Street; the accused went to the car belonging to Officer Spikener, looked in the window, saw a handgun on the front car seat which he picked up and carried with him as he walked away from the automobile;

(6) Officer Spikener asked for the return of the weapon, the accused then gave the weapon back to her; shortly after he returned the weapon to her, she discharged the weapon;

(7) The accused was assigned the duties of station keeper at the Potrero Station, and as such was acting as a sergeant and was paid at sergeant's rate of pay, from 0200 hours to 0700 hours, on December 1, 1991, which covers the time that Officer Spikener discharged the handgun she was holding; the accused did not make a report of the incident and did not make notifications of the discharge as required by General Orders D-2 and F-1 of the San Francisco Police Department;

(8) The accused, by failing to make notifications and reports as required by virtue of his assigned duties as station keeper in violation of General Orders D-2 and F-1, has engaged in conduct which tends to subvert the good order, efficiency or discipline of the department and which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(9) Paragraphs 1 through 7 of Specification No. 1 herein above are realleged and incorporated herein by reference as though set forth in full;

(10) On December 1, 1991, at or about 0400 hours, the accused commenced personal business in the Potrero Station with two woman friends which became loud and disruptive, the accused left his duties and

took the argument outside the station where it continued until the shot was fired from the handgun as set forth above, and the accused and the two women returned to the inside of the station and continued the argument until the Platoon Commander ordered the two women to leave the station;

(11) The accused, by engaging in personal business while assigned to be the Station Keeper and disrupting the station with loud and disruptive arguments with two friends has engaged in conduct which subverts the good order, efficiency and discipline of the department and which reflects discredit on the department in violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 20, 1992; Thursday. July 30, 1992 and Wednesday, November 4, 1992, and on November 4, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 and No. 2 as preferred by the Chief of Police against Officer Eddie L. Coley are sustained by a preponderance of evidence presented; and

WHEREAS, on December 2, 1992, the Commission met to determine the penalty to be imposed as a result of sustained charges filed against Officer Eddie L. Coley; and be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of the San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1 AND 2

One hundred and eighty (180) days suspension

and be it further

RESOLVED, the the total suspension of one hundred eighty (180) days shall commence on Thursday, December 3, 1992, at 0001 hour and terminate on Monday, May 31, 1993 at 2400 hours.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

Recess taken during the hearing of Officer Coley:

7:30 p.m. to 7:40 p.m.

(The entire proceedings were taken in shorthand form by Mr. Paul Schiller, CSR - Mary Hildebrand, Inc.)

HEARING OF POLICE OFFICER ARLANA P. SPIKENER, INGLESIDE STATION

The hearing of Police Officer Arlana P. Spikener, Ingleside Station, was called it having been set for this date. Officer Spikener was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Drawing and firing a hand gun on a public street in violation of public street in violation of General Order F-1, which conduct brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency or discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Richard D. Hongisto, former Chief of Police of the San Francisco Police Department.

Officer Eddie L. Coley appeared in person and was represented by Mr. Steven Whitmore, Attorney at Law.

Officer Arlana Spikener appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

A motion was made by Mr. Whitmore that the matter be continued until Chief Anthony Ribera is available to hear the arguments. Mr. Prentice, attorney for Officer Arlana Spikener, agreed with the request of Mr. Whitmore.

The motion was denied unanimously by the Commission.

Closing statements were made by Mr. Akins, Mr. Whitmore and Mr. Prentice.

The Commission took the matter under submission, recessed and returned, finding that Specifications No. 1 and 2 are sustained and the following resolution was adopted:

RESOLUTION NO. 175-92

DECISION - HEARING OF OFFICER ARLANA P. SPIKENER, INGLESIDE STATION

WHEREAS, May 8, 1992, Richard D. Hongisto, former Chief of Police of the San Francisco Police Department, made and served charges against Officer Arlana P. Spikener, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Arlana P. Spikener, Star Number 1065, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Ingleside District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On December 1, 1991, at or about 0400 hours, the accused was working at Ingleside Station; the accused requested off setting overtime and left the station;

(4) On December 1, 1991, shortly after 0400 hours, after the accused left Ingleside Station, she drove her personal automobile to her home; shortly thereafter, she left her home and drove her personal automobile to Potrero Police Station to discuss personal matters with San Francisco Police Officer Eddie L. Coley, who was assigned to Potrero Station and working as the Station Keeper at Potrero Station on December 1, 1991;

(5) When the accused arrived at Potrero Station, she entered the station and became involved in an argument with Officer Eddie L. Coley and another woman who arrived shortly after the accused, the discussion became loud and the accused along with Officer Coley and the other woman left the Station Building and continued their argument and discussion on the sidewalk in front of Potrero Station near the intersection of Twentieth Street and Third Street;

(6) In the course of the argument, the accused went to her automobile which was parked near the intersection of Twentieth and Third Streets; the accused entered the automobile and while she was sitting there, Officer Coley approached her automobile where he saw a hand gun, a .38 caliber five shot revolver, sitting on the front seat of the automobile, Officer Coley reached into the automobile and removed the hand gun from the automobile;

(7) Officer Coley walked away from the accused's automobile and requested that Officer Coley return the hand gun to her, which he did; after Officer Coley returned the hand gun to the accused, she fired one round from the hand gun without any police purpose or other justification;

(8) The accused, by exhibiting and firing her personal firearm for other than law enforcement purposes, has engaged in conduct which constitutes a violation of Rule VI, of General Order F-1, of the San Francisco Police Department, which states:

"The discharging of firearms in a reckless and irresponsible manner or while under the influence of any substance likely to impair physical or mental processes is prohibited and subject to disciplinary action by the department whether the incident occurs within or outside of the City and County limits."

(9) The accused, by displaying and discharging her personal pistol in the City and County of San Francisco, in violation of General Order F-1, has engaged in conduct which subverts the good order, efficiency and discipline of the department and which reflects discredit on the department in violation of Rule A-9, of General Order D-1, of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(10) Paragraphs (1) through (8) of Specification No. 1 herein above are alleged and incorporated herein by reference as though set forth in full;

(11) On December 1, 1991, at or about 0400 hours, the accused, while off-duty, went to the Potrero Station to pursue personal business with Officer Coley who was working; the accused entered into a discussion which became loud and argumentative; the argument moved to the sidewalk outside the building and continued; after the accused fired her hand gun, the discussion and disruptive behavior moved back inside the station and further disrupted the station procedure until she had to be ordered to leave by the platoon commander;

(12) The accused, by disrupting the station procedure at Potrero Station and engaging in personal business with the member of the department assigned to act as station keeper there, has engaged in conduct which subverts the good order, efficiency and discipline of the department and which reflects discredit on the department in violation of Rule A-9, of General Order D-1, of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 20, 1992; Thursday, July 30, 1992 and Wednesday, November 4, 1992, and on November 4, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 and No. 2 as preferred by the Chief of Police against Officer Arlana Spikener are sustained by a preponderance of evidence presented; and

WHEREAS, on December 2, 1992, the Commission met to determine the penalty to be imposed as a result of sustained charges filed against Officer Arlana P. Spikener; and be it

RESOLVED, that based on the stipulation of Officer Arlana Spikener, these findings and consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of the San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1 AND 2

Officer Arlana P. Spikener shall be terminated, however, termination shall be held in abeyance for three (3) years on the following conditions: Thirty (30) days suspension on each charge, total of sixty (60) days actual suspension; no excessive use of alcohol; no use of controlled substance of any kind; no violation of any General Orders of the Police Department, imposition of termination, in the event Officer Arlana P. Spikener violates the conditions set forth, shall be imposed only after violations are sustained at a hearing before the Police Commission;

and be it further

RESOLVED, the total suspension of sixty (60) days shall commence on Thursday, December 3, 1992 at 0001 hour and terminate on Monday, February 1, 1993 at 2400 hours.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

Recess taken during the hearing of Officer Spikener:

7:30 p.m. to 7:40 p.m.

(The entire proceedings were taken in shorthand form by Mr.. Paul Schiller, CSR - Mary Hildebrand, Inc.)

HEARING OF PATROL SPECIAL OFFICER STEVEN RUSSO, FOB/PARK STATION

The hearing of Patrol Special Officer Steven Russo, FOB/Park Station, was called it having been set for this date. PSO Russo was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit on the department (violation of Rule 2.13 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to strictly obey and promptly execute the lawful order of a superior officer (violation of Rule 2.45 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer all questions propounded by a superior officer, involving a police matter, truthfully and without evasion (violation of Rule 2.49 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department);

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the Department (violation of Rule 2. 13 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department);

in a properly verified complaint by Richard D. Hongisto, former Chief of Police of San Francisco Police Department.

Patrol Special Officer Steven Russo appeared in person and was represented by Mr. Robert Noel, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Based on these findings, the Commission requested a recommendation from Chief of Police Anthony Ribera. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Not Sustain

SPECIFICATION NO. 2

Sustain with $1000.00 fine to be paid within sixty (60) days

SPECIFICATION NO. 3

Not Sustain

SPECIFICATION NO. 4

Sustain with $50.00 fine to be paid within sixty (60) days

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 188-92

DECISION - HEARING OF PATROL SPECIAL OFFICER STEVEN RUSSO, FOB/PARK STATION

WHEREAS, on April 14, 1992, Richard D. Hongisto, former Chief of Police of the San Francisco Police Department. made and served charges against Patrol Special Officer Steven Russo, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Steven Russo, Star Number 2582, (hereinafter referred to as "the accused") was and is a Patrol Special Officer, appointed by the Police Commission of the City and County of San Francisco and was the owner of Beats 53, 57 and 79 located in the Park and Northern Police Districts;

(2) As a Patrol Special Officer, the accused was and is responsible for knowing and obeying the Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department adopted by the Commission on September 28, 1970, and any and all subsequent amendments and/or revisions thereof;

(3) On Saturday, April 27, 1991, at or about 1930 hours, the accused was in uniform driving the vehicle he uses for patrol duties and was at the corner of Lyon and McAllister Streets within the City and County of San Francisco;

(4) The intersection of Lyon and McAllister Streets is within the confines of a beat owned by the accused;

(5) On Saturday, April 27, 1991, at or about 1930 hours, the accused noted a Nissan pickup truck parked on the sidewalk perpendicular to the curb, facing the building at 644-678 Lyon Street;

(6) The accused stopped his patrol vehicle in the street behind and near the rear of the pickup truck parked on the sidewalk, exited his vehicle and proceeded to write a citation for the vehicle parked on the sidewalk;

(7) As the accused was writing the citation, the owner of the truck approached the accused and words were exchanged between the parties. The vehicle owner, Mr. Chatman, entered his vehicle, backed into the street and drove southbound on Lyon Street;

(8) While Mr. Chatman was moving his vehicle, the accused without provocation kicked the truck causing minor damage and drew his service weapon and pointed the weapon at Mr. Chatman;

(9) Mr. Chatman left the scene and was shortly thereafter arrested by other officers and brought to Park Station for questioning;

(10) Officer Sloan conducted a follow-up investigation; after interviewing witnesses, Officer Sloan was unable to resolve conflicts between the physical evidence, the statements of the witnesses and the accused as to what had occurred;

(11) The witnesses statements failed to establish reasonable cause for the accused to believe that the accused was in danger of death or serious bodily injury thereby justifying the drawing and brandishing of his weapon by the accused;

(12) No charges were filed against Mr. Chatman and he was released pursuant to Penal Code Section 849(b);

(13) The accused, by kicking the door and causing damage to the vehicle owned by Mr. Chatman and by drawing his service weapon and pointing it at Mr. Chatman without justification, has engaged in conduct which subverts the good order, efficiency or discipline of the department, and brought discredit on the department, in violation of Rules and Procedures, Patrol Special Officers and Assistant Patrol Special Officers, adopted September 28, 1970, Rule 2.13, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the State which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department of any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically laid down in Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(14) The allegations contained in Specification No. 1, paragraphs (1) and (2) are hereby realleged and incorporated by reference as though fully set forth herein;

(15) On Saturday, August 10, 1991, at or about 1650 hours, the accused was at Park Police Station completing an investigation and report regarding a female that the accused had arrested trespassing;

(16) After a determination had been made that the prisoner should be booked at the County Jail, the accused was asked by his Sergeant whether or not he was allowed to transport prisoners and the accused responded that "he had done so in the past and that there had been no problems." The accused then proceeded to transport the prisoner in his private vehicle;

(17) When leaving the station, a transmission by the accused to Communications that he was proceeding to transport a prisoner was monitored by the Field Sergeant who notified the Station Sergeant that the accused was not authorized to transport prisoners pursuant to the direct order of Captain C. Hoenisch issued on December 13, 1989 during a meeting with the accused, Sergeant J. Pera and Captain C. Hoenisch;

(18) At the time of the transportation of the prisoner, no emergency existed at the station and a marked unit was available to transfer the prisoner;

(19) Sergeant J. Pera drafted a memo setting forth the subject matter which was discussed at the meeting, as he knew that the accused had previously transported prisoners. The Captain and the Sergeant wanted this procedure to stop and ordered the accused to cease his activities;

(20) The accused, by disregarding a direct order, not to transport prisoners in his private vehicle, failed to strictly obey and promptly execute the lawful order of a superior officer thereby violating Rule 2.45 of the Rules and Procedures of Patrol Special Officers which states that officers:

"Shall strictly obey and promptly execute the lawful orders of his superior officers. In case of conflict of orders from superior officers, he shall respectfully call the attention of the superior officer giving the last order to such conflict, should the latter not change his order, it shall be obeyed and the member shall not be held responsible for disobedience of any former order in obeying said last order."

SPECIFICATION NO. 3

(21) The allegations contained in Specification No. 1, paragraphs (1) and (2) and the allegations contained in Specification No. 2, paragraphs (14) through (19), are hereby realleged and incorporated by reference as though fully set forth herein;

(22) When questioned by the Station Sergeant, (Sergeant Roccaforte) the accused failed to answer truthfully the questions asked and failed to disclose the order by Captain Hoenisch that the accused was not to transport prisoners;

(23) During the interview with the Management Control Investigator, the accused was evasive in answering questions and stated that he did not recall the meeting with Captain Hoenisch and stated that he did not recall the meeting with Captain Hoenisch and Sergeant Pera;

(24) The Station Sergeant, Captain Hoenisch, Sergeant Pera and the Management Control Investigator are "Superior Officers" of the accused as referred to in Rule 2.49 of the Rules and Procedures of Patrol Special Police Officers;

(25) By being evasive in his answers and failing to admit that he had been ordered not to transport prisoners in his private vehicle, the accused has engaged in conduct which is in violation of Rule 2.49 of the Rules and Procedures of Patrol Special Officers, which states that a member:

"Shall, when called upon by a superior officer, or by one especially assigned by lawful authority to conduct an investigation involving police matter affecting the conduct of a member or members, truthfully answer all questions propounded. All report, statements, and declarations made orally, or in writing in the foregoing matters shall contain the truth without evasion."

SPECIFICATION NO. 4

(26) The allegations contained in Specification No. 1, paragraphs (1) and (2) are hereby realleged and incorporated by reference as though fully set forth herein;

(27) On January 23, 1992, at 1530 hours, while off-duty, the accused issued a traffic citation at/or near 2222 Broadway Avenue, San Francisco, California, to a citizen for making an illegal U-turn; a moving violation of Vehicle Code Section 22103, (U-turn in a residential district);

(28) The above location of the issuance of the aforementioned moving violation (citation) is not on any of the beats owned by the accused;

(29) On the above date, the accused signed in at the station on duty at 1600 hours 30 minutes subsequent to the issuance of the citation;

(30) On December 5, 1985, Memorandum Order 85-12 was issued prohibiting all Patrol Specials and Assistant Patrol Special Officers from issuing moving citations for traffic violations;

(31) On or about July 11, 1983, (revised on 05/01/85 and 07/23/86, Department General Order I-14 was issued;

(32) Department General Order I-14, Section II(A) prohibits the issuance of moving citations by the accused;

(33) By the issuance of the aforementioned moving citation, while off-duty and contrary to departmental orders, the accused has violated Memorandum Order #85-12 and Section II(A) of General Order I-14 of the Rules and Regulations of the San Francisco Police Department, which states:

"Except as provided by the provisions of General Order F-3, moving violations shall be enforced by sworn members only when in uniform. Patrol Special and Assistant Patrol Special Officers are not authorized to issue moving citations."

(34) By the aforementioned conduct in violation of Memorandum Order #85-12 and Section II(A) of General Order I-14 of the Rules and Procedures of the San Francisco Police Department, the accused has engaged in conduct which tends to subvert the good order, efficiency and discipline of the Department or which reflects discredit on the Department thereby violating Section 2.13 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the State which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof, or that is prejudicial to the Department."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on August 19, 1992, October 14, 1992, October 20, 1992 and December 2, 1992, and on December 2, 1992, the matter was submitted to the Police Commission for decision;

WHEREAS, the Police Commission finds that the allegations contained in Specification Nos. 2, and 4 as preferred by the Chief of Police against Patrol Special Officer Steven Russo are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Not Sustain

SPECIFICATION NO. 2

$1,000.00 fine to be paid within sixty (60) days

SPECIFICATION NO. 3

Not sustain

SPECIFICATION NO. 4

$50.00 fine to be paid within sixty (60) days

and be it further

RESOLVED, that the total amount of $1,050.00 fine be paid within sixty (60) days from the date of this hearing.

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
NAY: Commissioner Hewlett

Recess taken during the hearing of Patrol Special Steven Russo:

9:10 p.m. to 9:35 p.m.

(The entire proceeding was taken in shorthand form by Mr. Paul Schiffe-, CSR.)

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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DECEMBER 9, 1992 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street, on Wednesday, December 9, 1992 at 5:15 p.m. in Executive Session.

Attorney-Client Conference

Carlos Cordon vs. CCSF
Elena Maggin vs. CCSF

DECEMBER 9, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 55, Hall of Justice, 850 Bryant Street on Wednesday, December 9, 1992 at 5:30 p.m. in a Regular Meeting.

PRESENT: Commissioners Detrick, Hewlett, Nelson, Rodriguez
ABSENT: Commissioner Low

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 189-92

CARLOS CORDON v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Carlos Cordon v. CCSF" in the U.S. District Court No. C91-4215 RHS in the amount of $20,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: December 14, 1990

AYES: Commissioners Detrick, Hewlett, Nelson, Rodriguez
ABSENT: Commissioner Low

RESOLUTION NO. 190-92

ELENA MAGGIN v. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of "Elena Maggin v. CCSF" in Superior Court No. 939-040 in the amount of $7,000.00 for damages sustained, be, and the same is hereby approved.

Date of Incident: April 2, 1991

AYES: Commissioners Detrick, Hewlett, Nelson, Rodriguez
ABSENT: Commissioner Low

APPROVAL OF MINUTES OF MEETING OF AUGUST 5, 1992

Approval of Minutes of Meeting of August 5, 1992, the Commissioners having received, approved and returned copies of same.

POLICE COMMISSION REPORT

No news matters to be calendared. Commission has nothing to report.

SPECIFICATION NO. 2

$1,000.00 fine to be paid within sixty (60) days

SPECIFICATION NO. 3

Not sustain

SPECIFICATION NO. 4

$50.00 fine to be paid within sixty (60) days

and be it further

RESOLVED, that the total amount of $1,050.00 fine be paid within sixty (60) days from the date of this hearing.

AYES: Commissioners Detrick, Low, Nelson, Rodriguez
NAY: Commissioner Hewlett

Recess taken during the hearing of Patrol Special Steven Russo:

9:10 p.m. to 9:35 p.m.

(The entire proceeding was taken in shorthand form by Mr. Paul Schiffe, CSR.)

Thereafter, the meeting was adjourned.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/6837M

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera updated the Commission regarding Enforcement Program in December and also the Safe Shoppers Program and stated that it is a success.

STATUS REPORT HEPATITIS B VACCINATION PROGRAM

Taken out of order. Deputy Chief Reed updated the Commission regarding Hepatitis B Vaccination Program and states that 1150 officers have completed the program. Commissioner Nelson congratulated the Department on the percentage of compliance with the Hepatitis B program. Deputy Chief Reed then updated the Commission regarding the 911 Committee and states eight new dispatchers will be hired December 14 and also light-duty officers will be assigned temporarily to assist in Communications. Chief Ribera stated he had a first meeting with Consent Decree and has discussed promotions and new hires etc. He indicated good progress has been made at the meeting.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Porter reported that by the end of the year, there would only be 19 new cases pending. She also stated she will meet with the Chief regarding mutual concerns and report back to the Commission next week.

REQUEST FOR A SUPPLEMENTAL APPROPRIATION FROM THE NARCOTICS FORFEITURE AND ASSET SEIZURE FUND FOR NARCOTICS UNIT OVERTIME FOR $100,000.00

Chief Ribera addressed the Commission regarding the request. Motion by Commissioner Rodriguez, second by Detrick. Motion approved. Request is approved.

RESOLUTION NO. 191-92

WHEREAS, the 1992-93 Narcotics Forfeiture and Asset Seizure Fund budget contains $350,000 for regular overtime of the Narcotics Unit; and

WHEREAS, the Police Department and the Mayor's Criminal Justice Council agreed that an additional $100,000 would be requested for Narcotics Unit overtime when funds became available; and

WHEREAS, funds are now available in the Narcotics Forfeiture and Asset Seizure Fund to be appropriated; now therefore be it

RESOLVED, that the Police Commission hereby approves the appropriation of an additional $100,000 for regular overtime of the Narcotics Unit.

AYES: Commissioners Detrick, Hewlett, Nelson, Rodriguez
ABSENT: Commissioner Low

PUBLIC COMMENTS

Mr. Andy Solo requested support from the Commission regarding creation of soccer field at Mission Dolores Park.

After a brief discussion, matter calendared for further discussion and action December 16, 1992.

HEARING OF POLICE OFFICER DANIEL J. MAY, TRAFFIC E&I

The hearing of Police Officer Daniel J. May, Traffic E&I, was called it having been set for this date. Officer May was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to maintain himself in a fit condition to perform police duties while carrying a firearm off-duty (violation of Paragraph III(D), of General Order D-4 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to maintain himself in a fit condition to perform police duties while carrying a firearm off-duty (violation of Paragraph III(D), of General Order D-4 of the San Francisco Police Department);

in a properly verified complaint by Thomas F. Murphy, former Acting Chief of Police of the San Francisco Police Department.

Officer Daniel J. May appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Prentice entered a plea of no contest on Specification Nos. 1, 2, 3 and 4 on behalf of Officer May. Officer May personally affirmed entry of a no contest plea in these matters.

The Police Commission unanimously approved and accepted the plea of Officer May.

Based on these findings, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. The following recommendation was made by the Chief of Police:

SPECIFICATIONS NOS. 1, 2, 3 and 4

Termination to be held in abeyance for three (3) years; sixty (60) days suspension and enroll in the Department approved D-4 Program for 18 months

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 192-92

DECISION - POLICE OFFICER DANIEL J. MAY, TRAFFIC E&I

WHEREAS, on August 31, 1992, Thomas F. Murphy, former Acting Chief of Police of the San Francisco Police Department, made and served charges against Officer Daniel J. May, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Daniel J. May, Star Number 708 (hereinafter referred to as "the accused) was and is a police officer, employed by the San Francisco Police Department and assigned to the Traffic Division, Solo Motorcycle Unit;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On February 7, 1992, at or about 2115 hours, the accused was off-duty and driving his pickup truck in the City Weaverville, County of Trinity, State of California (referred to herein as "Weaverville");

(4) On February 7, 1992, at or abut 2115 hours, a California Highway Patrol (CHP) traffic officer contacted the accused on Court Street parallel to State Route 299 in Weaverville, the CHP officer determined that the accused was under the influence of alcohol, but since he had not witnessed the accused driving his vehicle, he did not arrest him; the CHP officer instructed the accused to park his truck and not drive it until he had a chance to sober up on pain of being arrested for driving under the influence;

(5) On February 7, 1992, at or about 2200, the accused was stopped on State Route 299 near its intersection with Memorial Drive in Weaverville, by a second CHP officer for investigation of driving under the influence of alcohol based on information from the first CHP officer who had instructed the accused not to drive until he sobered up;

(6) The CHP officer who stopped the accused had witnessed him weaving badly and was aware of the previous determination by the other officer that the accused was intoxicated; when the second CHP officer stopped the accused, the accused admitted that he was "DUI" and was carrying a gun in the fanny pack on his waist;

(7) The second CHP officer administered a field sobriety test which the accused did not successfully complete, the accused was arrested for violation of California Vehicle Code section 23152(a) [Driving Under the Influence]; the accused submitted to a blood test which determined that his

blood contained .24 percent of alcohol which constituted a violation of California Vehicle Code section 23152(b) [driving with more than 0.08% blood alcohol content];

(8) The accused, by driving a motor vehicle while under the influence of alcohol, in violation of California Vehicle Code sections 23152(a) and 23152(b), has engaged in conduct which violates Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member, either within or without the state, which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(9) Paragraphs (1) through (8) of Specification No. 1 hereinabove are incorporated herein by reference and realleged by such reference as though set forth in full;

(10) At said times and places alleged in Specification No. 1 above, the accused was carrying a hand gun on his person;

(11) The accused by being intoxicated off-duty while carrying a weapon violated Paragraph III(D) of General Order D-4 of the San Francisco Police Department, which states:

"A member while off-duty and carrying a weapon shall not consume alcoholic beverages to the extent that he become intoxicated."

SPECIFICATION NO. 3

(12) Paragraphs (1) and (2) of Specification No. 1 hereinabove are incorporated herein by reference and realleged by such reference as though set forth in full;

(13) On March 21, 1992, at or about 0315 hours, the accused was operating his motor vehicle Eastbound on Interstate Highway I-80 just West of the Cummings Skyway Exit in an unincorporated area near the City of Vallejo, County of Contra Costa, State of California;

(14) On March 21, 1992, at or about 0315 hours, a white pickup truck was involved in a minor, non-injury accident on Interstate Highway I-80 just west of the Cummings Skyway; the white pickup truck came to rest in the center lane of I-80 perpendicular to the flow of traffic facing the center divider;

(15) On March 21, 1992, at or about 0315 hours, the accused drove his automobile at least 55 miles per hour in the number two lane of I-80 just west of the Cummings Skyway as described in paragraph (13) in such a manner as to cause it to collide with the white pickup truck described in paragraph (14) herein less than one minute after the collision described in paragraph (4);

(16) California Highway Patrol officers investigating noticed an odor of alcohol on the accused' breath and based on their investigation, the accused was arrested for violation of Vehicle Code section 23152(a); the accused consented to a blood test, a sample was drawn at 0524 hours on March 21, 1992; finding that the sample contained 0.13 percent alcohol by volume a violation of Vehicle Code section 23152(b);

(17) The accused, by driving a motor vehicle while under the influence of alcohol in violation of California Vehicle Code sections 23152(a) and 23152(b), has engaged in conduct which violates Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 4:

(18) Paragraphs (11) through (16) of Specification No. 3 hereinabove are incorporated herein by reference and realleged by such reference as though set forth in full;

(19) At said times and places alleged in Specification No. 3 above, the accused was carrying a hand gun in a bag in the cab of his truck;

(20) The accused by being intoxicated off-duty while carrying a weapon violated Paragraph III(D) of General Order D-4 of the San Francisco Police Department, which states:

"A member while off-duty and carrying a weapon shall not consume alcoholic beverages to the extent that he become intoxicated."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, December 9, 1992 and on Wednesday, December 9, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Daniel J. May's plea of no contest, the Commission finds that the allegations contained in Specifications Nos. 1, 2, 3 and 4, as preferred by former Acting Chief of Police Thomas F. Murphy against Officer Daniel J. May are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NOS. 1, 2, 3 and 4

Officer Daniel J. May shall be terminated, however, termination shall be held in abeyance for three (3) years on the following conditions: Sixty (60) days suspension and enroll in the Department approved D-4 Program for 18 months.

and be it further

RESOLVED, that the sixty (60) days suspension shall commence on Saturday, January 30, 1993 at 0001 hour and terminate on Tuesday, March 30, 1993 at 2400 hours.

AYES: Commissioners Detrick, Hewlett, Nelson, Rodriguez
ABSENT: Commissioner Low

(The entire proceeding was taken in shorthand form by Mr. Dave Davenport, CSR)

HEARING OF POLICE OFFICER PAUL S. GRANCHUKOFF, NORTHERN STATION

The hearing of Police Officer Paul S. Granchukoff, Northern Station, was called it having been set for this date. Officer Granchukoff was charged with violating the Rules and Procedures as follows:

FILE NO. C23-040 JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

FILE NO. C12-250 JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Thomas F. Murphy, former Acting Chief of Police of the San Francisco Police Department.

Officer Paul S. Granchukoff appeared in person and was represented by Mr. Steven Whitmore, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Mr. Whitmore asked the Commission for a closed hearing and was granted.

An opening statement was made by Attorney Jerry Akins for the Prosecution.

Mr. Whitmore entered a plea of no contest on Specification No. 1 (on both case Nos. C23-040 & C12-250 JWA) on behalf of Officer Granchukoff. Officer Granchukoff personally affirmed entry of a no contest plea in these matters.

The following character witnesses were called by the Defense, were sworn and testified:

Lieutenant Gregory Corrales, Potrero Station
Officer Michael Sullivan, Southern Station
Officer Miguel Granados, Mission Station
Officer Alan McCann, Solos
Captain Richard Cairns, Northern Station

Mr. Whitmore offered two (2) letters for consideration of the Commission:

Lieutenant Adrian Terranova, S.F. Fire Department
Sergeant Thomas Deltorre on Department stationary

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding him guilty on Specification No. 1 on both cases.

Based on those findings, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. It is the recommendation of the Chief of Police that Officer Paul S. Granchukoff be terminated.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 193-92

DECISION - HEARING OF OFFICER PAUL S. GRANCHUKOFF, NORTHERN STATION

WHEREAS, on July 16, 1992 and August 28, 1992, Thomas F. Murphy, former Acting Chief of Police of the San Francisco Police Department, made and served

charges against Police Officer Paul S. Granchukoff as follows:

FILE NO. C12-250 JWA

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order and discipline of the department and which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(1) At all times herein mentioned, Paul S. Granchukoff, Star Number 709, (hereinafter referred to as "the accused") was a police recruit employed by the San Francisco Police Department and assigned to the Police Academy, and now is a police officer assigned to the Field Training Program at Mission Station;

(2) As a police employee assigned to the Police Academy and now an officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On March 13, 1992, at or about 2200 hours, the accused was off-duty and became involved in an incident at the Park Hyatt Hotel located at 333 Battery Street in the City and County of San Francisco, State of California;

(4) On March 13, 1992, at approximately 2145 hours, the accused entered the Park Hyatt Hotel; in the lobby area, the accused encountered the Manager On Duty (Manager) who recognized the accused as a former employee now in training to become a San Francisco Police Officer; by way of greeting, the manager asked the accused how he was doing. The accused responded, "I am trashed", which the Manager believed to mean that the accused was stating that he was drunk;

(5) The Manager saw the accused proceed in the direction of the rest rooms on the second floor; the accused came down from the second floor and the manager assumed he had left the premises; the manager did not see the accused again for approximately ten or more minutes;

(6) On March 13, 1992, at or about 2200 hours, the cocktail waitress in the lounge at the Park Hyatt Hotel called the Manager and stated that the accused was in the lounge drinking beer and harassing hotel guests in the lounge;

(7) The bartender in the lounge described the accused as being too intoxicated to drive, speaking with slurred speech and with an obvious chip on his shoulder; when the accused left the bar, the bartender heard him say, "I'm going to drive around San Francisco and who's going to stop me," which the bartender interpreted to mean in the context that since the accused is now employed by the Police Department, he can drive while intoxicated with impunity;

(8) The cocktail waitress in the lounge described the accused as being so intoxicated, obnoxious and intrusive that two women sitting at the bar left the lounge;

(9) The accused provided the name of one of the two women he spoke to at the lounge to the investigator from the Management Control Division; when the investigator attempted to contact her and left a message for her to contact him, she responded by writing a letter to the Office of Citizen Complaints concerning the incident; she described the accused as intoxicated and described his rambling conversation, with no one in particular, regarding possible shooting incidents in the future; she described the accused as saying that he had been drinking extensively that evening, but that he would not get in trouble with the cops because he is one of them now;

(10) As a result of the cocktail waitress' call, the Manager sent a security officer to check on the matter; the security officer found the accused in the lounge and spoke with the accused for 10-20 minutes after which the accused left the lounge and drove from the hotel in his pickup truck;

(11) A short time later, the accused returned to the hotel in his pickup truck and parked his pickup truck in the hotel driveway; the accused refused to surrender his keys to the bellman in accordance with hotel policy regarding vehicles parked in the driveway; the accused entered the hotel and went to the area of the second floor restrooms; a few minutes later, the accused returned to his pickup truck in the driveway of the hotel; one of the bellman working there suggested that the accused call a taxi to drive home as the accused was too intoxicated to drive; the accused became very angry and cursed the bellman for trying to keep the accused from driving in his intoxicated condition, the accused then entered his truck and recklessly backed across the sidewalk into the street almost striking four pedestrians who were lawfully on the sidewalk but could not see the accused because of the building line;

(12) The accused as a member of the Police Academy received a copy of the "POLICE ACADEMY STUDENT RULES;" the first paragraph of the rules states:

"Members shall obey all written orders of the Department applicable to their respective assignments. (G.O. D-1)"

(13) The accused by virtue of the herein alleged behavior, specifically, driving his vehicle in a reckless manner while intoxicated, disrupting a public lounge with his intoxicated behavior while representing himself to be a member of the San Francisco Police Department, and by claiming impunity from the laws regarding driving while intoxicated as a result of his association with the San Francisco Police Department has engaged in conduct which brings

discredit on the department, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

FILE NO. C23-040 JWA

SPECIFICATION NO. 1

(1) At all times herein mentioned, Paul S. Granchukoff, Star Number 709, (hereinafter referred to as "the accused") was a police officer assigned to the Northern Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On July 29, 1992, charges were filed with the Police Commission against the accused in matter number C12-250 regarding an incident which occurred on March 13, 1992, at the Park Hyatt Hotel located at 333 Battery Street in the City and County of San Francisco, State of California;

(4) On August 13, 1992, at sometime before 1600 hours, the accused telephoned a friend and left a message on the friend's answering machine requesting the friend to return his call;

(5) On August 13, 1992, at approximately 1600 hours, the friend returned the call; the friend and the accused conversed for approximately twenty minutes; in the course of this conversation, the accused discussed the status of the charges pending against him before the Police Commission and recent developments concerning the case;

(6) On August 13, 1992, at or about 1600 hours during the course of the telephone conversation, the accused became very upset particularly concerning the witnesses to his behavior which is the subject of the charges referred to in paragraph 3 above;

(7) As the conversation progressed, the accused became more upset and focused his rage against a former supervisor at the Park Hyatt Hotel who had been the supervisor of both the accused and the friend he was conversing with at that time;

(8) The accused stated that in the event that he should lose his job with the San Francisco Police Department, he, the accused, would make the supervisor's "life a living hell;"

(9) The accused became more upset as his friend attempted to calm him and put things into perspective; the accused ultimately stated that in the event that he should lose his job, he would shoot or kill the supervisor and kill himself; the friend terminated the conversation and because he feared that the accused was unstable and might make good on his threat, he called the police department and related the above conversation to an investigator from the Management Control Division;

(10) The accused was called in for an interview with the Management Control investigator on August 24, 1992; in the course of the interview, the accused admitted making the statements, became upset, stated that he did not mean it but was just blowing off steam; he blamed all his problems on other people and denied that he had any fault in the underlying matter subject of the charges filed with the Police Commission in C12-250 JWA and denied that he has any problem which would require him to seek counseling or other help;

(11) The accused by virtue of the herein alleged behavior, specifically, by making threats against the life of his former supervisor, a witness in a disciplinary matter pending before the Police Commission, has engaged in conduct which subverts the good order, efficiency and discipline of the department and which brings discredit on the department, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, December 9, 1992, and on Wednesday, December 9, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, based on Officer Paul S. Granchukoff's plea of no contest, the Commission finds that the allegations contained in Specification No. 1, on both case, as preferred by former Acting Chief of Police Thomas Murphy against Officer Paul S. Granchukoff are sustained; and the Commission adopts the sustained specifications as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Police Commission orders the following discipline be imposed:

SPECIFICATION NO. 1 (File Nos. C12-250 & C23-040 JWA)

Sustain - Termination

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

Recesses taken during the hearing of Officer Paul S. Granchukoff:

7:30 p.m. to 7:40 p.m.
8:10 p.m. to 8:50 p.m.

(The entire proceeding was taken in shorthand form by Mr. Paul Davenport, CSR)

HEARING OF POLICE SERGEANT WILLIAM J. GAY, MOUNTED UNIT

The hearing of the disciplinary charges filed against Sergeant William J. Gay, Mounted Unit, was called it having been continued from the meeting of September 17, 1992. Sergeant William J. Gay was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9, of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to report the use of force (a violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department);

in a properly verified complaint by Willis A. Casey, former Chief of Police of the San Francisco Police Department.

Ms. Eliazar Aramburo, Office of Citizen Complaints, appeared on behalf of the San Francisco Police Department.

Sergeant William J. Gay appeared in person and was represented by Ms. Margaret Pendergast, Attorney at Law.

A motion was submitted by Ms. Pendergast on behalf of Sergeant Gay to have the hearing continued which was denied by the Commission.

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, after which the following resolution was adopted:

RESOLUTION NO. 194-92

DECISION - HEARING OF POLICE SERGEANT WILLIAM J. GAY, MOUNTED UNIT

WHEREAS, on September 19, 1991, Willis A. Casey, former Chief of Police, made and served charges against Police Sergeant William J. Gay as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9, of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, William J. Gay, Star No. 503, (hereinafter referred to as "the accused") was and is a Sergeant of Police, employed by the San Francisco Police Department, and at the time of incident(s) alleged herein was assigned to the Mounted Unit, Headquarters Company, Field Operations Bureau;

(2) As a Sergeant of Police, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On October 6, 1989, between 1930 hours and 2130 hours, near the intersection of Castro Street and Market Street, the accused was assigned to work in connection with a demonstration which was in progress at that location;

(4) On October 6, 1989, at or about 1944 hours, demonstrators were in and on Castro Street after being informed for the third (3rd) time that the street was declared an unlawful assembly and that they were to immediately disperse from the street and move onto the sidewalk;

(5) On October 6, 1989, at or about 2024 hours, a police officer requested assistance as he and his motorcycle were surrounded by demonstrators after making an arrest of a demonstrator;

(6) On October 6, 1989, at or about 2024 hours, the accused and other officers responded to the request for assistance from the surrounded police officer, and in that connection came to the place where complainant Andrew Russell was standing in the street with the crowd, not blocking the accused's way and not engaged in any violent activities;

(7) On October 6, 1989, at or about 2024 hours, the accused when going to the aid of an officer surrounded by a crowd of demonstrators, came upon the complainant

(who was an observer) from behind and used a 36" baton to push the complainant, Andrew Russell, causing the complainant to fall to the ground;

(8) The accused, by pushing complainant, Andrew Russell, without just cause in the back with his baton, has used unnecessary force which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(9) On October 6, 1989, the accused pushed complainant Andrew Russell with his baton in the course of his assignment in connection with the demonstration as alleged in Specification No. 1, hereinabove;

(10) The accused did not make a report that he had pushed Andrew Russell with his baton on October 6, 1989, at approximately 2100 hours on Castro Street near the intersection with Market Street or at any other time;

(11) The accused, by failing to make a report that he used force in connection with his duties at the demonstration, as alleged hereinabove, has engaged in conduct which constitutes a violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department, which states:

"XII. A. Officers must report the use of the following types of force:

1. Physical strength when injury to the suspect results.

2. Liquid chemical agent (Mace).

3. The Department issued baton when the suspect is struck.

4. When the officer finds it necessary to strike a suspect with a fist, flashlight or any other item.

5. Carotid Restraint.

B. In all cases in which any of the above types of force are used, an incident report will be prepared. The officer using the force will include the following elements in the text of the report:

1. The type of force used (e.g. mace, struck with fist).

2. A brief statement of the reason for use of force (e.g. subject resisted arrest)..."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, June 25, 1992, Thursday, September 17, 1992 and Wednesday, December 9, 1992 and on Wednesday, December 9, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Sergeant William J. Gay, Mounted Unit, as contained in Specification No. 1, violation of Rule A-9 of General Order D-1, and Specification No. 2, violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department, are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Sergeant William J. Gay has not violated Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department and Specification No. 2, violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1 violation of Rule A-9 of General Order D-1 of the San Francisco Police Department and Specification No. 2, violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department, be, and the same are hereby dismissed.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

Recess taken during the hearing of Sergeant William J. Gay:

10:00 p.m. to 10:15 p.m.

(The entire proceeding was taken in shorthand form by Mr. Dave Davenport, CSR.)

HEARING OF POLICE SERGEANT MICHAEL LAWSON, NORTHERN STATION

The hearing of the disciplinary charges filed against Sergeant Michael Lawson, Northern Station, was called it having been continued from the meeting of September 17, 1992. Sergeant Michael Lawson was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9, of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to report the use of force (a violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department);

in a properly verified complaint by Willis A. Casey, former Chief of Police of the San Francisco Police Department.

Ms. Eliazar Aramburo, Office of Citizen Complaints, appeared on behalf of the San Francisco Police Department.

Sergeant Michael Lawson appeared in person and was represented by Casimir Wilson, Attorney at Law.

A motion was submitted by Mr. Wilson on behalf of Sergeant Lawson to have the hearing continued which was denied by the Commission.

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, after which the following resolution was adopted:

RESOLUTION NO. 195-92

DECISION - HEARING OF POLICE SERGEANT MICHAEL LAWSON, NORTHERN STATION

WHEREAS, on November 25, 1991, Willis A. Casey, former Chief of Police, made and served charges against Police Sergeant Michael Lawson as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9, of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Michael Lawson, Star No. 939, (hereinafter referred to as "the accused") was and is a Sergeant of Police, employed by the San Francisco Police Department, and at the time of the incident(s) alleged herein was assigned to the Northern Station of the San Francisco Police Department;

(2) As a Sergeant of Police, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On October 6, 1989, between 1930 hours and 2130 hours, near the intersection of Castro Street and Market Street, the accused was assigned to work in connection with a demonstration which was in progress at that location;

(4) On October 6, 1989, at or about 1944 hours, demonstrators were in and on Castro Street after being informed for the third (3rd) time that the street was now an unlawful assembly area and tat they were to immediately disperse from the street and move onto the sidewalk;

(5) On October 6, 1989, at or about 2024 hours, a police officer requested assistance (904 Code 2);

(6) On October 6, 1989, at or about 2024 hours, the accused and other officers responded to the request for assistance, and in that connection came to the place where the accused struck Eric Wilcox in the mouth as Mr. Wilcox was crossing the street;

(7) By striking the complainant Eric Wilcox in the mouth, the accused has violated the prohibition contained in General Order F-4, paragraph VIII.B (3) which states:

"B. If we are to obtain effective results, avoid unnecessary injury to suspects and minimize criticism of the Department, the baton must be used properly and judiciously.
. . .

3. The Baton, when properly used is, capable of delivering extremely powerful blows to stun and incapacitate an aggressive opponent. It is also capable of delivering lethal or permanently disabling blows. Blows to the head, throat, side of the neck or arm pit must be avoided whenever possible."

(8) The accused, by striking complainant, Eric Wilcox, without just cause in the mouth and upper torso with his baston, has used unnecessary force which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(9) On October 6, 1989, the accused struck complainant Eric Wilcox twice with his baton causing injury in the course of his assignment in connection with the demonstration as alleged in Specification No. 1, hereinabove;

(10) The accused did not make a report that he had struck Eric Wilcox with his baton causing injury on October 6, 1989, at approximately 2030 hours on Castro Street near the intersection with Market Street or at any other time;

(11) The accused, by failing to make a report that he used force in connection with his duties at the demonstration, as alleged hereinabove, has engaged in conduct which

constitutes a violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department, which states:

"XII. REPORTING USE OF FORCE

A. Officers must report the use of the following types of force:

1. Physical strength when injury to the suspect results.

2. Liquid chemical agent (Mace).

3. The Department issued baton when the suspect is struck.

4. When the officer finds it necessary to strike a suspect with a fist, flashlight or any other item.

5. Carotid Restraint.

B. In all cases in which any of the above types of force are used, an incident report will be prepared. The officer using the force will include the following elements in the text of the report:

1. The type of force used (e.g. mace, struck with fist).

2. A brief statement of the reason for use of force (e.g. subject resisted arrest) ..."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, June 25, 1992, Thursday, September 17, 1992 and Wednesday, December 9, 1992 and on Wednesday, December 9, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Sergeant Michael Lawson, Northern Station, as contained in Specification No. 1, violation of Rule A-9 of General Order D-1, and Specification No. 2, violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department, are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Sergeant Michael Lawson has not violated Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department and Specification No. 2, violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1 violation of Rule A-9 of General Order D-1 of the San Francisco Police Department and Specification No. 2, violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department, be, and the same are hereby dismissed.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

Recess taken during the hearing of Sergeant Michael Lawson:

10:00 p.m. to 10:15 p.m.

(The entire proceeding was taken in shorthand form by Mr. Dave Davenport, CSR.)

HEARING OF POLICE OFFICER STEPHEN ORTIZ, SOUTHERN STATION

The hearing of the disciplinary charges filed against Police Officer Stephen Ortiz, Southern Station, was called it having been continued from the meeting of September 17, 1992. Officer Stephen Ortiz was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9, of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Willis A. Casey, former Chief of Police of the San Francisco Police Department.

Ms. Eliazar Aramburo, Office of Citizen Complaints, appeared on behalf of the San Francisco Police Department.

Officer Stephen Ortiz appeared in person and was represented by John Prentice, Attorney at Law.

A motion was submitted by Mr. Wilson on behalf of Officer Ortiz to have the hearing continued which was denied by the Commission.

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, after which the following resolution was adopted:

RESOLUTION NO. 196-92

DECISION - HEARING OF POLICE OFFICER STEPHEN ORTIZ, SOURTHERN STATION

WHEREAS, on November 25, 1991, Willis A. Casey, former Chief of Police, made and served charges against Police Officer Stephen Ortiz as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9, of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Stephen Ortiz, Star No. 2079, (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department, and at the time of the incident(s) alleged herein was assigned to the Northern Station of the San Francisco Police Department;

(2) As a Police Officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(3) On October 6, 1989, between 1930 hours and 2130 hours, near the intersection of Castro Street and Market Street, the accused was assigned to work in connection with a demonstration which was in progress at that location;

(4) On October 6, 1989, at or about 1944 hours, demonstrators were in and on Castro Street after being informed for the third (3rd) time that the street was now an unlawful assembly area and tat they were to immediately disperse from the street and move onto the sidewalk;

(5) On October 6, 1989, at or about 2024 hours, a police officer requested assistance (904 Code 2);

(6) On October 6, 1989, at or about 2024 hours, the accused and other officers responded to the request for assistance, and in that connection came to the place where the accused pushed Eric Wilcox twice with his baton as Mr. Wilcox was falling after being struck in the mouth by another officer;

(7) On October 6, 1989, at or about 2024 hours, the accused when going to the aid of an officer, came upon the complainant and pushed him twice in the upper torso with the accused's 36" baton causing the complainant to fall to the ground;

(8) The accused, by pushing complainant, Eric Wilcox, without just cause in the upper torso with his baston, has used unnecessary force which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, June 25, 1992, Thursday, September 17, 1992 and Wednesday, December 9, 1992 and on Wednesday, December 9, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Officer Stephen Ortiz, Southern Station, as contained in Specification No. 1, violation of Rule A-9 of General Order D-1, of the San Francisco Police Department, are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Officer Stephen Ortiz has not violated Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1 violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, be, and the same are hereby dismissed.

AYES: Commissioners Petrick, Hewlett, Low, Nelson, Rodriguez

Recess taken during the hearing of Officer Stephen Ortiz:

10:00 p.m. to 10:15 p.m.

(The entire proceeding was taken in shorthand form by Mr. Dave Davenport, CSR.)

Thereafter, the meeting was adjourned at 10:25 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/6830M

111 MINUTES

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DECEMBER 16, 1992 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday December 16, 1992 at 5:30 p.m. in a Regular Meeting.

AYES: Commissioners Detrick, Hewlett, Low, Nelson and Rodriguez

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 201-92

APPROVAL OF THE REQUEST OF COMMANDER ARNOLD TO ACCEPT DONATION OF COMPUTER EQUIPMENT FROM MR. STEVE SHAFT FOR USE AT PARK DISTRICT STATION VALUED AT UNDER $5,000.00

RESOLVED, that the request of Commander Arnold to accept donation of computer equipment, a Supercom Inc. Desktop Computer, Samsung Monitor, Serial No. 71900527, Chicony Electronics Co. Keyboard, Serial No. T01246495, from Mr. Steve Shaft, owner of the Touch Stone Jewelry Store, 1601 Haight Street, San Francisco, for use at Park District Station, valued at under $5,000.00, is hereby approved.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

RESOLUTION NO. 202-92

REVISED GENERAL ORDER E-4, "DEPARTMENT WEAPON RETURN PANEL"

RESOLVED, that the Police Commission hereby approves the revised General Order E-4, "Department Weapon Return Panel".

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

APPROVAL OF MINUTES OF MEETING OF AUGUST 19, 1992

Approval of Minutes of Meeting of August 19, 1992, the Commissioners having received, approved, and returned copies of same.

POLICE COMMISSION REPORT

Commissioner Low announced there will be no meeting December 23, and 30 and that there are no new calendar at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Ribera advised the Commission of rally at Union Square at noon attended by approximately 2500, no problems. Chief Ribera also states the Downtown Shoppers Program is going very well, merchants and business owners in the area are happy with the results. Chief Ribera discussed the Enforcement Programs for January for Taraval, Park and Ingleside Districts. He advised the Commission that the 911 committee is continuing their meetings and Deputy Chief Reed stated that December 124, seven new dispatchers were hired and are in training; light duty persons were assigned for answering of 553-0123 only.

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, June 25, 1992, Thursday, September 17, 1992 and Wednesday, December 9, 1992 and on Wednesday, December 9, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Officer Stephen Ortiz, Southern Station, as contained in Specification No. 1, violation of Rule A-9 of General Order D-1, of the San Francisco Police Department, are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Officer Stephen Ortiz has not violated Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1 violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, be, and the same are hereby dismissed.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

Recess taken during the hearing of Officer Stephen Ortiz:

10:00 p.m. to 10:15 p.m.

(The entire proceeding was taken in shorthand form by Mr. Dave Davenport, CSR.)

Thereafter, the meeting was adjourned at 10:25 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

1137/rc
W/6830M

Commissioner Nelson then commends members of 911 committee. Commissioner Nelson makes a motion, second by Detrick that department not shut down low band or PIC radio channels. All channels are to be kept opened. Chief Ribera asked that this not be done at this time. Frank Martin del Campo, Local 790, addressed the Commission and supports keeping all channels open. Steven Johnson, POA, requested that channels be kept opened for officers' safety reason and dispatchers addressed the Commission also regarding maintaining opened channels. After discussion, motion was approved five unanimously.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Alfreda Porter stated there are no new matters to report to the Commission at this time.

REQUEST FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $75,820, TO FUND FOUR CLERICAL POSITIONS, TO EASE JAIL OVER CROWDING

Lieutenant Larry Ryan, Fiscal Division, briefed the Commission on the request; motion by Commissioner Hewlett, second by Commissioner Nelson. Motion approved.

RESOLUTION NO. 197-92

WHEREAS, the Police Department filled four clerical positions effective December 14, 1992; and

WHEREAS, the four positions will be dedicated to the easing of jail over crowding; and

WHEREAS, the Police Department does not have sufficient funds to cover the positions for the remainder of the Fiscal Year; and

WHEREAS, the City and County is subject to fines for jail over crowding; therefore be it

RESOLVED, that the Police Commission approves a supplemental appropriation in the amount of $75,820 to cover the cost of four clerical positions effective December 14, 1992 for the remainder of Fiscal Year 1992-93.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

REQUEST FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $75,820, TO FUND FOUR CLERICAL POSITIONS, TO EASE JAIL OVER CROWDING

Lieutenant Larry Ryan, Fiscal Division, again addressed the Commission regarding the request. Frank Martin del Campo, Local 790, suggested Automated Attendant portion be deleted, that the Union objects to the Automated Attendant. Motion by Commissioner Rodriguez, second by Commissioner Hewlett. Matter approved.

RESOLUTION NO. 197-92

WHEREAS, the Police Department filled four clerical positions effective December 14, 1992; and

WHEREAS, the four positions will be dedicated to the easing of jail over crowding; and

WHEREAS, the Police Department does not have sufficient funds to cover the positions for the remainder of the Fiscal Year; and

WHEREAS, the City and County is subject to fines for jail over crowding; therefore be it

RESOLVED, that the Police Commission approves a supplemental appropriation in the amount of $75,820 to cover the cost of four clerical positions effective December 14, 1992 for the remainder of Fiscal Year 1992-93.

AYES: Commissioners Detrick, Hewlett, Low, Nelson, Rodriguez

DISCUSSION AND ADOPTION OF GENERAL ORDER J-6, "AGGRESSIVE SOLICITING"

Put over to January 6, 1993.

APPROVAL OF REQUEST FOR LETTER OF SUPPORT FOR MISSION YOUTH SOCCER LEAGUE

Mr. Andy Solo addressed the Commission regarding his request for letter of support for the Mission Youth Soccer League. Motion by Commissioner Hewlett, second by Commissioner Detrick. Matter approved.

RESOLUTION NO. 199-92

WHEREAS, the Police Commission held a discussion concerning the installation of a children's soccer field at Dolores Park immediately adjacent to the tennis courts at 18th and Dolores Streets, and so be it

RESOLVED, that the Police Commission strongly supports the installation of this soccer field as well as any other organized recreational activities that would benefit the children and youth of this city.

AYES: Commissioners Detrick, Hewlett, Low, Nelson Rodriguez

REVIEW AND DISCUSSION REGARDING PROPOSAL ON DISCIPLINARY JURISDICTION AND PENALTY SCHEDULE

Put over at a later date.

PUBLIC COMMENTS

Frank Morales asked for more unmarked cars in the Mission District and suggested the use of narcotics impounded cars.

Tom Garber, building owner Hyde & Ellis, discussed muggings of tenants in the area, crime and asked for more beat police officers.

Andy Solo, resident Mission area, discussed the crime situation and suggested more unmarked cars be assigned to the area.

John Crew, ACLU, discussed discipline regarding the members of the department regarding a reprimand which occurred the previous day. He also discussed such swift punishment when there are still cased pending from December '91.

Chief Ribera responded and addressed the concern.

HEARING OF POLICE OFFICER CLIFTON MATTHEWS, MEDICAL LIAISON

The hearing of Police Officer Clifton Matthews, Medical Liaison, was called it having been set for this date. Officer Matthews was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which subverts the good order, efficiency or discipline of the department or which brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Frank M. Jordan, former Chief of Police of the San Francisco Police Department.

Officer Clifton Matthews appeared in person and was represented by Mr. Tito Torres, Attorney at Law.

Mr. Jerry W. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Closing statements were made by both Prosecuting and Defense Attorneys.

Based on these findings, the Commission requested a recommendation from Chief of Police Anthony D. Ribera. The following recommendation was made by the Chief of Police:

SPECIFICATION NO. 1

Sustain as it pertains to subsection No. 6. Thirty (30) days suspension with extended one (1) year probation.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 200-92

DECISION - POLICE OFFICER CLIFTON MATTHEWS, MEDICAL LIAISON

WHEREAS, on November 19, 1990, Frank M. Jordan, former Chief of Police of the San Francisco Police Department, made and served charges against Officer Clifton Matthews, and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, Clifton A. Matthews, Jr., Star Number 2222, (hereinafter referred to as "the accused) was and is a police officer employed by the San Francisco Police Department and assigned to the Taraval District;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about May 31, 1990, at the Taraval District Police Station, 2345 24th Avenue, San Francisco, California, the accused, while on-duty, met two female juveniles who had been taken into custody by the members of the San Francisco Police Department in connection with suspected Welfare and Institutions Code proceedings;

(4) After meeting the two female juveniles, the accused made arrangements to meet one of them at a later time when he was off-duty;

(5) The accused did meet the juvenile, 17 years of age, and accompanied her on a social evening;

(6) The accused ultimately on or about June 9 and 10, 1990, hired a motel room in the City of South San Francisco, County of San Mateo, where he permitted the juvenile female to stay;

(7) On or about the evening of June 11, 1990, the accused moved the juvenile female to another motel in South San Francisco, after his tour of duty went to the motel he had hired in his name, in which the 17 year old female juvenile resided, and engaged in sexual intercourse with her at said time and place, on June 12 and 13, 1990, the accused moved the juvenile female to a different room in the same motel and continued engaging in sexual intercourse with her;

(8) As a juvenile, the female with whom the accused engaged in sexual intercourse on various occasions, and specifically, on June 11, 12 and 13, 1990, is incapable, as a matter of law, of giving consent to sexual intercourse, therefore, the acts of the accused constitute a violation of Penal Code Section 261.5;

(9) The accused, by dating a female juvenile he became acquainted in the course of his official duties and then engaging in sexual intercourse without her valid, legal consent, as alleged above, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(10) Paragraphs (1) through (8) of Specification No. 1 herein above, are realleged and incorporated herein by reference as though set forth in full;

(11) On or about June 12, 1990, after the accused had moved the female juvenile from one motel to another motel in the city of South San Francisco, State of California, after he completed work for the day, the accused returned to the motel and found the female juvenile with three of her friends in the motel room; the accused kicked one of the males present and brandished his personal, off-duty handgun at that male and threatened that if the male did not leave the premises, the accused would shoot the male, this conduct constituted an assault;

(12) The accused, by kicking and using a handgun, to threaten a male present in a motel room he had rented for purposes of continuing to engage in unlawful sexual intercourse with a female juvenile, as alleged above, committed an assault and has engaged in conduct which subverts the good order, efficiency and discipline of the department and which reflects discredit on the department in violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 3

(13) On or about July 10, 1990, the accused was interviewed by an investigator in the Management Control Division concerning the allegations that he engaged in unlawful sexual intercourse with a juvenile female and that he threatened a young man present on one occasion before he again engaged in sexual intercourse;

(14) The accused, when interviewed by the Management Control Division investigator, denied that he had engaged in sexual intercourse with the female juvenile and denied that he had brandished his handgun as a threat to the male present in the motel room as alleged above;

(15) The accused by denying those allegations, has failed to answer questions truthfully and without evasion which were properly posed to him by the Management Control Division investigator assigned to investigate the allegations, in violation

of Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall when questioned by a superior officer or one designated by a superior officer answer questions truthfully and without evasion."

and

WHEREAS, a hearing on said charges was held before the Police Commission on Monday, October 19, 1992, Monday, November 23, 1992, Monday, November 30, 1992, Wednesday, December 16, 1992 and on Wednesday, December 16, 1992, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification Nos. 2 and 3 as preferred by the Chief of Police against Officer Clifton Matthews are not sustained; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Officer Clifton Matthews are sustained, as it pertains to subsection No. 6, by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

SPECIFICATION NO. 1

Sustain as it pertains to subsection No. 6. Thirty (30) days suspension with one year probation. Suspended time not remitted. Back to work effective December 17, 1992

AYES: Commissioners Hewlett, Low, Nelson, Rodriguez
ABSTAIN: Commissioner Detrick
(Unable to complete reading transcripts)

Recess taken during the hearing of Officer Clifton Matthews:

7:55 p.m. to 8:10 p.m
8:20 p.m. to 8:25 p.m.

(The entire proceeding was taken in shorthand form by Ms. Lydia Radovich, CSR., ABA.)

Thereafter, the meeting was adjourned at 8:30 p.m.

Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

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